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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 7302/2023 & CRL.M.A. 27250/2023
KRISHAN MURARI GUPTA Petitioner
Through: Mr. Raj Kumar, Advocate.

versus

STATE NCT OF DELHI & ORS Respondents
Through: Mr. Nawal Kishore Jha, APP for State
Mr. Rishab Raj Jain and Mr. Raghav
Awasthi, Advocates for IFCI Factors
Ltd.

+ CRL.M.C. 7303/2023 & CRL.M.A. 27252/2023
KRISHAN MURARI GUPTA Petitioner
Through: Mr. Raj Kumar, Advocate.

versus

STATE NCT OF DELHI & ORS Respondents
Through: Mr. Nawal Kishore Jha, APP for State
Mr. Rishab Raj Jain and Mr. Raghav
Awasthi, Advocates for IFCI Factors
Ltd.

+ CRL.M.C. 7595/2023 & CRL.M.A. 28257/2023
KRISHAN MURARI GUPTA Petitioner
Through: Mr. Raj Kumar, Advocate.

versus

STATE NCT OF DELHI AND ORS & ORS. Respondents
Through: Mr. Nawal Kishore Jha, APP for State
Mr. Rishab Raj Jain and Mr. Raghav
Awasthi, Advocates for IFCI Factors



Ltd.

+ CRL.M.C. 7621/2023 & CRL.M.A. 28404/2023
KRISHAN MURARI GUPTA Petitioner
Through: Mr. Raj Kumar, Advocate.

versus

STATE NCT OF DELHI & ORS Respondents
Through: Mr. Nawal Kishore Jha, APP for State
Mr. Rishab Raj Jain and Mr. Raghav
Awasthi, Advocates for IFCI Factors
Ltd.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
14.02.2024

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1. Considering the fact that parties in the present petitions are same and common submissions have been addressed, the present petitions are considered and disposed of together.
2. By way of present petitions filed under Section 482 Cr.PC, the petitioner has assailed the order(s) dated 16.02.2023 passed by learned MM, South East District, Saket Courts, New Delhi in Complaint Case Nos.625569/2016, 625499/2016, 625498/2016 and 625500/2016 all titled 'IFCI Factors Ltd. v. Evinix Industries Ltd. & Ors.', whereby petitioner's application under Section 311 Cr.PC seeking recall of witness for further cross examination was dismissed. The learned Trial Court dismissed the said application stating therein that the case pertains to the year 2012 and that the subject witness was examined in the year 2016, whereafter further cross examination was deferred on one ground or another.



3. Learned counsel for the petitioner submits that, during the said time, the parties were exploring the possibility of an amicable settlement. In this regard, he has invited attention of the Court to the letter of One Time Settlement (OTS) of Rs.4.22 crores issued on 19.07.2018 by the complainant. He submits that while the petitioner has made part payment of Rs.25 lacs, the other co-accused has made payment of about Rs.2 crores. Since the entire settlement amount was not paid, the matter is to be proceeded on merits and, for which purpose the further cross examination is required.

4. Mr. Rishab Raj Jain, learned counsel appearing for IFCI Factors Ltd. states that the debt has now been assigned to Omkara ARC, who has to be substituted as the complainant before the the Trial Court. He has opposed the petitions by stating that there was an inordinate delay in the moving the subject application(s) before the Trial Court.

5. Considering the fact that settlement talks were in progress, regarding which the petitioner has also placed documents on record alongwith the fact that part payments have been made, ends of justice would be met in case the petitioner is given last opportunity to cross-examine the witness i.e., AR of the complainant company.

6. In view of the above, the impugned order is set aside however, subject to payment of Rs.10,000/- in each case by the petitioner to be paid to Delhi State Legal Services Authority within a period of four weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.



7. The petitions are disposed of along with pending applications.

MANOJ KUMAR OHRI, J

FEBRUARY 14, 2024/rd