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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.L.P. 506/2023 & CRL.M.A. 27301/2023 (delay in re-filing)  
KRISHAN KUMAR ..... Petitioner  
Through: Appearance not given.

versus

SADHNA BROADCAST LTD. & ANR. .... Respondents  
Through: Mr. Raj Vardhan Upadhyay and Mr.  
Paras Khurana, Advocates.

**CORAM:**  
**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**  
**14.03.2024**

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**CRL.L.P. 506/2023 & CRL.M.A. 27301/2023 (delay in re-filing)**

1. The present petition under Section 378(4) read with Section 482 of the Code of Criminal Procedure, 1973 seeks following prayers:-

“It is therefore most respectfully prayed that this Hon’ble Court may kindly be pleased to:

i. Grant the Leave to appeal to the Appellant against the impugned order dated 22.07.2023 passed by the Court of Sh. Pankaj Rai, Ld. M.M. Rouse Avenue Court, Delhi in case bearing number CC NI Act/1689/20 titled as “Krishan Kumar Vs. Sadhna Broadcast Ltd. and Ors.”; ii. Pass such other or further order(s) as are considered fit and proper in the circumstances of the case.”

2. The present criminal leave petition is allowed and disposed of. The same may be registered as a criminal appeal and the registry is directed to number it accordingly. Pending application is also disposed of accordingly.

**CRL.A.....(to be numbered)**

3. The present appeal under Section 378(4) read with Section 482 of the Code of Criminal Procedure, 1973 seeks setting aside of the order dated



22.07.2023. Vide the aforesaid impugned order learned Trial Court has dismissed the complaint of the present petitioner for non-prosecution.

4. Learned counsel appearing on behalf of the respondents submits that the impugned order was passed on account of the fact that on previous two occasions the complainant did not appear.

5. Be that as, it may with the consent of learned counsel appearing on behalf of the parties, following directions are passed:-

(i) The order dated 22.07.2023 is set aside and the complaint be restored with the original number.

(ii) As a last and final opportunity, the complainant therein/petitioner shall appear before the learned Trial Court on 03.04.2024 at 2 PM for his cross-examination, subject to payment of cost of Rs. 30,000/- to be paid to the respondent on the said date.

6. It is made clear that the learned Trial Court shall not give any further opportunity to the complainant to make himself available for the cross-examination.

7. With the aforesaid directions, the present appeal is allowed and disposed of accordingly.

**AMIT SHARMA, J**

**MARCH 14, 2024/sn**

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