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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 5353/2024

VIKAS KUCHERIA

.....Petitioner

Through: *Appearance not given*

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Shoaib Haider, APP

Mr. Akul Mehandru, Ms. Ritu Gupta,
Ms. Ashwini Bidhuri, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **16.07.2024**

CRL.M.A. 20486/2024 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 5353/2024, CRL.M.A. 20485/2024

1. Petitioner has approached this Court challenging the Order dated 22.05.2024, passed by the learned Metropolitan Magistrate in CC No.2779/2020, dismissing the application filed by the Petitioner herein under Section 311 Cr.P.C seeking recalling the Attorney holder of the Complainant for further cross examination.
2. It is the case of the Petitioner that after cross examination of the Attorney holder of the Complainant on 17.12.2022, a cheque of Rs.6 lakhs has been encashed by the Attorney holder. It is, therefore, stated that the Petitioner would like to cross examine the Attorney holder of the Complainant only to the aspect of withdrawal of Rs.6 lakhs as the same will



have effect on the Trial.

3. Considering the submissions of the Petitioner, this Court is inclined to direct the learned Metropolitan Magistrate to permit further cross examination of the Attorney holder of the Complainant on 19.09.2024. It is made clear that the cross examination would only be limited to the aspect of withdrawal of Rs.6 lakhs.

4. Accordingly, the Order dated 22.05.2024 is set aside and the Petition is disposed of.

SUBRAMONIUM PRASAD, J

JULY 16, 2024

Rahul