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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7897/2023, CRL.M.A. 29476/2023**

SUSHIL KUMAR ARORA

..... Petitioner

Through: None.

versus

JYOTI GUPTA

..... Respondent

Through: Mr. A.K. Giri and Mr. D.P. Singh,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.02.2024

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1. By way of present petition filed under Section 482 Cr.P.C., the petitioner seeks to assail order dated 15.09.2023 passed by learned M.M., Tis Hazari Court, Delhi in CC No.7853/2019 whereby accused/petitioner's opportunity to cross-examine the complainant/respondent has been closed.
2. Present none for the petitioner.
3. Perusal of the proceedings shows that even on the last date of hearing petitioner remained unrepresented, however considering the facts, this Court had issued notice.
4. Today, though counsel for the respondent has entered appearance however, no one is present for petitioner. Learned counsel for the respondent states that the impugned order came to be passed as counsel for the petitioner has failed to appear before the Trial Court. He further states that petitioner has remained unrepresented even before this Court. He however fairly states that respondent has no objection in case the prayer of the



petition is allowed, however subject to imposition of cost.

5. Although, petitioner has remained unrepresented today, however considering that the case relates to a complaint u/s 138 of NI Act, this Court is of the opinion that interests of justice would be met if an opportunity is granted to the accused to cross-examine the complainant. Accordingly, subject to cost of Rs.7,500/- to be paid by the petitioner to the respondent within two weeks from today, Trial Court shall grant only one opportunity to the petitioner/accused to cross-examine the respondent/complainant on the next date of hearing before it i.e. 04.06.2024.

6. Petition is disposed of in the above terms alongwith miscellaneous application.

7. Copy of the order be communicated to the Trial Court.

MANOJ KUMAR OHRI, J

FEBRUARY 19, 2024

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