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

+ CRL.M.C. 8409/2024 & CRL. MA 32120/2024

KAVITA CHAUDHARYPetitioner

Through: Mr. Chandan Bhatia, Mr. Maneesh
Kumar, Advocates (M:9466944787).

versus

STATE GOVT. OF NCT
OF DELHI AND ANR

.....Respondents

Through: Mr. Shoaib Haider, APP for State
Mr. Kamal Bahl, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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28.10.2024

1. By way of present petition, the petitioner seeks to assail the order dated 15.10.2024 passed by learned JMFC (NI Act)-06, Dwarka Court, New Delhi in the proceedings emanating under Section 138 NI Act by way of a complaint case bearing number CC No.4990989/2016 titled as '*Nivedan Fin Invest Lease Ltd. v. Mrs. Kavita Chaudhary*'.

2. Mr. Chandan Bhatia, learned counsel for the petitioner fairly concedes that though vide order dated 16.08.2024 passed in Crl. M.C.2960/2022, this Court while noting the facts stated therein, especially the fact that the petitioner was in custody and was not in a proper position to give instructions to his counsel, had granted opportunity to lead defence evidence. He submits that the petitioner had filed a list of witnesses before the Trial Court, to examine herself as well as the names given on the said list. He also concedes to the fact that insofar as witnesses at serial numbers



1, 2 and 3 are concerned, the same are not required to be examined. However, he prays that one final opportunity be granted to lead defence evidence.

3. Learned counsel appearing for the respondent No.2 fairly submits that though the matter is listed for final arguments, he has no objection, in case one last and final opportunity is granted to the petitioner, though he has raised an objection as to the necessity of calling the Resolution Professional ('RP'), as directed by the Trial Court.

4. This Court, while taking note of the submissions made by learned counsel for the petitioner, find no grounds to interfere. At the same time, considering the fact that repeated opportunities have been granted to the petitioner which he has failed to avail, the present petition is allowed, subject to cost of Rs.50,000/- to be paid to the respondent No.2. The respondent No.2 shall also be at liberty to cross examine the said witnesses.

5. The petition is disposed of in above terms alongwith pending application.

6. The petitioner shall appear before the Trial Court on the next date of hearing fixed before it, i.e., tomorrow (29.10.2024). The Trial Court will thereafter summon the RP.

MANOJ KUMAR OHRI, J

OCTOBER 28, 2024/rd