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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8684/2024, CRL.M.A. 33186/2024, CRL.M.A.
33187/2024

AMRISH GUPTA

.....Petitioner

Through: Mr. Arjun Sanjay, Advocate.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Shoaib Haider, APP for State
Mr. Kanhaiya Singhal and Mr. Ujwal
Ghai, Advocates for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.11.2024

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1. By way of present petition, the petitioner seeks to assail the order dated 15.10.2024 passed by Ld. JMFC (NI-Act)-03/SE/Saket Courts, New Delhi vide which the petitioner's application filed under Section 311 Cr.P.C. seeking to summon *Smt. Neena Wadhwa* and *Sh. Sidharth Wadhwa*, the wife and son of the complainant/respondent No.2, respectively, was dismissed.
2. Learned counsel for the petitioner submits that examination of the aforesaid witnesses is necessary in order to establish the petitioner's defence of having no liability to pay the sum under the subject cheques for which the proceedings under Section 138 of the NI Act have been initiated. He further submits that it is the petitioner's case that the loan under the subject cheques already stands paid by way of cross loans given to the wife and son of the respondent No.2. It is further submitted that in this regard, not only



necessary pleadings have been made but also suggestions have been given to the complainant in the Trial Court proceedings.

3. Issue notice.

4. Learned APP for the State accepts notice.

5. Mr. Kanhaiya Singhal, learned counsel for respondent No.2 enters appearance and also accepts notice and further, after detailed arguments, submits that only one opportunity be granted to the petitioner for examination/cross-examination of the aforesaid witnesses.

6. At this stage, learned counsel for the petitioner, on instructions, undertakes that the cross-examination of the aforesaid witnesses would be carried out only on one date which would be limited to the aforesaid aspect. He also submits that the petitioner shall not seek any adjournment for the same before the Trial Court.

7. Considering the no objection given on behalf of the respondent No.2, subject to cost of Rs.50,000/- to be paid to respondent No.2 on or before the next date before the Trial Court, the petitioner shall be at liberty to examine/cross-examine the aforesaid two witnesses which shall be concluded on one date. It is further clarified that in case the petitioner fails to conclude the examination/cross-exemption on the date so fixed, his right to examine shall stand closed.

8. Petition is disposed of in the above terms alongwith pending applications.

Dasti.

MANOJ KUMAR OHRI, J

NOVEMBER 6, 2024

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