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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 139/2025 & CRL.M.A. 753/2025, CRL.M.A. 754/2025
VARUN KALRAPetitioner
Through: Mr. A. Mishra Sahil and Mr. Nidhish Gupta, Advocates.
versus
STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Sunil Kumar Gautam, APP.
Mr. Sanjay Dewan, Senior Advocate
with Mr. Anish Dewan, Ms. Garima,
Mr. Aayush and Ms. Kashish Jain,
Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

14.01.2025

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1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 assailing order dated 07th October, 2024 passed by the Trial Court in Ct. Case No. 632801/2016 arising from a complaint under Section 138 of the Negotiable Instruments Act, 1881. By the impugned order, the rights of Petitioner to lead defence evidence was closed and the matter was put up for final hearing.
2. Counsel for Petitioner submits that he wishes to examine witnesses No. 2 to 4 as per the list of witnesses dated 21st March, 2023. It is submitted that these witnesses are necessary for the proper adjudication of the present proceedings. It is asserted that the right to lead evidence is a valuable right of the accused and in the absence thereof and the Petitioner will be severally prejudiced.
3. On the other hand, Mr. Sanjay Dewan, Senior Counsel for



Respondent No. 2, strongly opposes the petition. He submits that Petitioner is not in India and his whole intent is to delay the proceedings. The Trial Court had given sufficient opportunities to Petitioner to examine their witnesses, however, since no effective steps were taken to produce the witnesses. Hence, the Trial Court has rightly closed their right.

4. The Court has considered the aforementioned contentions. In the opinion of the Court, one final opportunity can be extended to Petitioner to examine the witnesses No. 2 to 4, as per the list of witnesses dated 21st March, 2023. Accordingly, the present petition is disposed of with following directions:

4.1. For the delay caused, Petitioner is burdened with costs of INR 15,000/- to be paid to the Complainant.

4.2. Petitioner shall examine all the three witnesses on the next date to be scheduled by the Trial Court. Petitioner shall take appropriate steps to summon the witnesses within one week from today.

4.3. In the event of failure on the part of Petitioner to examine the witnesses, the Trial Court shall then proceed to pass appropriate orders, as deemed appropriate.

5. With the above directions, the present petition is disposed of, along with pending applications.

SANJEEV NARULA, J

JANUARY 14, 2025

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