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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 668/2025 & CRL.M.A. 3175/2025

SUKHVINDER SHEORAN

.....Petitioner

Through: Mr. Manish Kadian,
Advocate (through VC).

versus

SITENDER DAGAR

.....Respondent

Through: Mr. Jitin Sahni, Advocate
along with respondent in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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24.03.2025

1. The present petition is filed against the order dated 21.12.2024 (hereafter '**impugned order**'), passed by the learned Additional Sessions Judge, South West, Dwarka Courts, New Delhi in CR No. 2301/2024.
2. The complaint was filed by the respondent/complainant under Section 138 of the Negotiable Instruments Act, 1881. By the order dated 18.10.2024, the right of the petitioner to cross-examine the complainant was closed by the learned Magistrate noting that repeated adjournments had been taken by the petitioner/accused.
3. The learned Magistrate noting that the accused was not present on 18.10.2024, issued non-bailable warrants against him. The petitioner challenged the said order in revision being CR. No. 2301/2024, which was dismissed *vide* order dated 21.12.2024.
4. The learned counsel for the petitioner submits that the right to cross-examine complainant was closed not too back on 18.10.2024. He submits that he is willing to compensate the respondent for the delay.
5. The learned counsel for the respondent who appears along



with the respondent, on instructions, submits that he has no objection if one last opportunity is granted to the petitioner *albeit* with a direction that the proceedings are expedited and the petitioner is not permitted to take any further adjournment.

6. The petitioner had not been diligent in pursuing his right and therefore, this Court does not find any infirmity in the orders passed by the learned Magistrate and the ASJ.

7. However, purely in the interest of justice, one last opportunity is granted to the petitioner to cross-examine the complainant on the date that may be fixed by the learned Magistrate. It is pointed out that the matter is now fixed for further consideration on 01.04.2025.

8. The learned counsel for the respondent submits that the complainant would appear on the said date as a witness and the petitioner may be directed to cross-examine the complainant on the said date.

9. Considering the above, the learned Trial Court is directed to conclude the cross-examination of the complainant on 01.04.2025 or fix any other convenient short date. The learned Trial Court is also directed not to give any unwarranted adjournments to the petitioner.

10. In view of the aforesaid, the petition is allowed and impugned order is set aside. The petitioner is directed to compensate the respondent and pay cost of Rs.20,000/- to the respondent.

11. Let the proof of payment of cost be produced before the learned Magistrate on 01.04.2025.

AMIT MAHAJAN, J

MARCH 24, 2025

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