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

+ CRL.M.C. 778/2020 & CRL.M.A. 3181/2020

GADRAB SEN

.....Petitioner

Through: Mr. Sudarshan Rajan and
Mr. Hitain Bajaj,
Advocates.

versus

STATE & ANR

.....Respondents

Through: Mr. Ritesh Kumar Bahri,
APP for the State.
Ms. Bina Madhavan, Ms.
Shubhangi Arora and Ms.
Shruti Sharma, Advocates
for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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08.12.2025

1. The present petition had been under section 482 of the Code of Criminal Procedure, 1973, seeking setting-aside of the impugned judgment dated 09.12.2019, passed by the learned ASJ, in Crl. Appeal No. 403/2016.
2. *Vide* the impugned judgment the appeal filed against the judgment of conviction dated 28.08.2018 and order on sentence dated 28.09.2018 for the offence under section 138 of the Negotiable Instruments Act, 1881, was allowed and the matter was remanded back to the Learned Trial Court to re-hear both the parties afresh, wherein both the accused as well as the complainant were given opportunity to produce any witness and cross-examine the witnesses produced.
3. The learned counsel for the Petitioner/Complainant



submits that he has instructions to state that the impugned judgment may be sustained and modified to the extent that the Petitioner does not wish to lead any further evidence and the matter be relegated back to the learned Trial Court only for recording of defence evidence and for permitting the Respondent no. 2/accused to bring on record documents. He further submits that the prayers sought by the Respondent no. 2 in its application filed under Section 391 CrPC, seeking permission to file additional evidence, may be granted.

4. He further submits that the learned Appellate Court while allowing appeal filed by the Respondent no. 2 has granted relief beyond the reliefs sought by the Respondent no. 2.

5. Undisputedly, the Respondent no. 2 in her application under Section 391 CrPC had sought the following reliefs:

“(a) permit the Appellant /Applicant to bring on record the Additional Documents and mark them as Annexure "A, B, C, D & E", and /or

(b) pass such other and further order(s) as it may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

6. The Petitioner is not opposing the said prayers.

7. The learned counsel for the Respondent no. 2 does not object the suggestion made by the learned counsel for the petitioner.

8. In view of the above, the present petition is disposed of and the impugned judgment is upheld with a modification that the case be remanded back to the learned Trial Court permitting the Respondent no. 2 to bring on record additional documents as stated in her application by allowing the re-examination of the Respondent no. 2.

9. The Petitioner is also permitted to cross-examine the



Respondent no. 2 in that regard.

10. The learned Trial Court is directed to make endeavours to conclude the recording of additional evidence within a period of two months from the date fixed by this Court.

11. The parties are directed to appear before the learned Trial Court on 19.12.2025.

12. A copy of this order be communicated to the learned Principal District & Sessions Judge for compliance.

13. The present petition is disposed in the aforesaid terms and the pending application(s) if any, also stands disposed of.

AMIT MAHAJAN, J

DECEMBER 8, 2025

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