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

+ **CRL.M.C. 4645/2023**

RAKESH GOYAL

.....Petitioner

Through: Mr. Sanyam Maan and Mr. Ajay
Kumar, Advs.
Mr. Virendra Singh, Adv.

Versus

BHUPINDER SHOKEEN

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

16.05.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 482 of the CrPC seeks the following prayers: -

“a) Issue a writ of mandamus or other appropriate writ thereby setting aside order dated 20.12.2021 passed by Sh. Vik.as Madaan Ld MM North West District Rohini Court Delhi in Criminal Case No.528209/2016 and an opportunity may be given to lead rest of DE.
b) Issued a writ or direction to set aside order dated 28.01.2023 passed by Sh. Bahm Bhan Ld ASJ North West Delhi Revision No.289/2022.
c) Pass any other or further order(s)/writ, which this Hon'ble court may deem fit and proper in the interest of justice.”

3. Impugned order dated 20.12.2021 was passed by learned Metropolitan Magistrate closing the opportunity for the petitioner to the defence evidence.
4. Learned counsel appearing on behalf of the petitioner submits that on



27.08.2019 defence evidence was led by the petitioner and ASI Ved Prakash was examined as DW-2. On the said date, the other defence witnesses from the bank had not brought the relevant record and he was directed to bring the same and was bound down for the next date of hearing. The next date, *i.e.*, 06.01.2020, Presiding Officer was on leave and the matter was adjourned to 11.05.2020. It is submitted that thereafter, on account of covid pandemic the physical hearing of the complaint could not take place and on the very first date when the hearing started, *i.e.*, 20.12.2021, the impugned order closing right of petitioner to lead defence evidence passed.

5. Learned counsel appearing on behalf of the respondent, on instructions, submits that he has no objection if the present petition is allowed and petitioner is given opportunity to lead the defence evidence subject to imposition of cost.

6. In the facts and circumstances of the case with the consent of the parties the following directions are passed: -

- i.) The parties are directed to appear before the learned Trial Court on 23.05.2025 at 02:00 P.M;
- ii.) Learned Trial Court is requested to fix the date of summoning the defence witness on behalf of the petitioner;
- iii.) It is made clear that no further opportunity should be given to the petitioner, in case he does not examine the defence witness on the date so fixed by the learned Trial Court.
- iv.) The aforesaid directions are subject to the costs of Rs. 10,000/- to be paid to the respondent/complainant before the learned Trial Court.

7. The petition stands disposed of with the aforesaid directions.

8. Copy of the order be sent to the concerned learned Trial Court for



necessary information and compliance.

9. Pending applications, if any, also stand disposed of accordingly.

10. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 16, 2025/kr

Click here to check corrigendum, if any