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

+ **CRL.M.C. 5902/2023&CRL.M.A. 22180/2023**

YASHPAL SINGH

.....Petitioner

Through: Mr. Ankit Kumar Lohan, Adv.

versus

STATE (GOVT. OF NCT) AND ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State with Ms. Mansi Sharma, Adv.
Mr. Sanjay Dewan, Sr. Adv. with Mr. Anish Dwan, Ms. Garima Verma, Mr. Ayush D. & Ms. Kashish Jain, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:-

“a) Set aside impugned order dated 04.08.2022 passed in the application under section 311 Cr.P.C. filed by the petitioner in the complaint case no:- 829 of 2020 under section 138 NI Act, titled as “Mahtab Singh Vs. Yashpal Singh”, pending before the Ld. Court of Ms. Naina, Metropolitan Magistrate-01, (NI Act), Digital Courts, Central District, Tis Hazari Courts, Delhi.; and

b) Pass any such other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice and in the facts

3. Learned counsel appearing on behalf of the petitioner submits that the impugned order dated 04.08.2022 incorrectly records the fact that effective



opportunities for cross-examination was given to the accused on 07.03.2022, 19.04.2022, 04.05.2022, 04.06.2022, 28.06.22 and 21.07.2022., inasmuch as on some of the dates so mentioned by the learned Trial Court, the evidence could not be recorded because of some other reason. It is further submitted that one last and final opportunity may be given and the petitioner shall cross-examine the complainant on that date without seeking any adjournment.

4. Learned Senior Counsel appearing on behalf of the respondent, on instructions, submits that he has no objection if one final opportunity is granted and the learned Trial Court may be directed to ensure that no adjournment is taken.

5. In view of the above, with the consent of the parties, the following directions are passed:-

(i) The respondent no.2 i.e. Mr. Mehtab Singh, the complainant in the present case shall appear before the learned Trial Court on 24.04.2025. The date has been given at the request of learned counsel for the petitioner after checking his diary.

(ii) Learned counsel appearing on behalf of the petitioner submits that he is also the counsel for the petitioner before the learned Trial Court and assures this Court that the complainant shall be cross-examined on the said date.

(iii) Learned Trial Court is directed to ensure that no adjournment is granted to the petitioner on the said date for cross-examination of complainant/respondent no.2.

6. The petition is disposed of in the above terms.

7. Pending application(s), if any, also stands disposed of.

8. A copy of this order be sent to the learned Trial Court for necessary



information and compliance.

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

AMIT SHARMA, J

APRIL 7, 2025/nk/pr

Click here to check corrigendum, if any