



\$~70

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

+ **CRL.M.C. 3963/2025, CRL.M.A. 17280/2025 & CRL.M.A. 17281/2025**

SRI BALAJI INDUSTRIES & ANR.Petitioners

Through: Ms. Manveen Dhanjal,
Adv. (through VC)

versus

BIPASA TRADE LINK PVT. LTD.Respondent

Through: Mr. R.P. Singh &
Mr. Anant Vijay, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **29.05.2025**

1. The present petition is filed challenging the orders dated 13.02.2025 and 08.10.2024 passed by the learned JMFC in Complaint Case No. 3037/2020.
2. By order dated 13.02.2025, the learned JMFC dismissed the application filed by the petitioner under Section 311 of the Code of Criminal Procedure, 1973 ('CrPC') noting that the petitioner failed to cross-examine the complainant despite being granted multiple opportunities.
3. The complaint was filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881 and the right of the petitioner to cross-examine the complainant was closed by order dated 08.10.2024 noting that the matter is pending for Complainant Evidence since 26.04.2023 and, after partly cross-examining the complainant on 23.08.2023, the petitioner had failed to cross-examine the complainant.
4. Neither the petitioner nor his counsel had appeared on



08.10.2024. The learned Trial Court noting the conduct of the petitioner, issued NBWs and closed the petitioner's right to cross-examine the complainant.

5. Undisputedly, the conduct of the petitioner has not been appropriate. He has not been diligent in pursuing the matter which has led to waste of judicial time. It has also caused prejudice to the Director of the complainant Company who stays in Hyderabad and who, according to the learned counsel for the respondent, visits the Court on every date of hearing.

6. The petitioner's right to cross-examine the complainant was closed on 08.10.2024 which is not too long back. The petitioner had also filed an application under Section 311 of the CrPC in January, 2025, without wasting much time. Thus, even though the conduct of the petitioner has led to delay in the proceedings, however, in the opinion of this Court, one last opportunity should be granted to the petitioner to cross-examine the complainant on adequately compensating the respondent for the delay and harassment caused.

7. It is pointed out that the matter is listed before the learned Trial Court on 11.07.2025.

8. The learned counsel for the respondent assures that the complainant would be present before the learned Trial Court on 11.07.2025.

9. The learned counsel for the petitioner, on instructions, undertakes that the petitioner only wants one day to cross-examine the complainant and that the complainant would be cross-examined on the next date before the learned Trial Court. She also undertakes that no unwarranted adjournments would be



taken on behalf of the accused.

10. The learned Trial Court is directed not to grant any unwarranted adjournments to the parties and expedite the proceedings.

11. The learned Trial Court is also requested that in case any unwarranted adjournments are taken, adequate cost be imposed to compensate the other side.

12. The petitioner is directed to pay a cost of ₹60,000/- to the respondent before the next date of hearing before the learned Trial Court.

13. The present petition is allowed in the aforesaid terms.

14. Pending application(s) if any, also stand disposed of.

15. A copy of the order be sent to the learned Trial Court for compliance.

AMIT MAHAJAN, J

MAY 29, 2025

“SS”