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

+ CRL.M.C. 4903/2025 & CRL.M.A. 21231/2025

GURDEEP SINGH

.....Petitioner

Through: Mr. V. K. Yadav, Advocate.

versus

INDERJEET SINGH

.....Respondent

Through: Mr. Sanjeev Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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28.07.2025

1. The present petition under Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (earlier Section 482 of the Code of Criminal Procedure, 1973²) seeks setting aside of order dated 15th February, 2025,³ passed by the JMFC (NI Act), Tis Hazari Courts, Delhi. By the said order, the Petitioner's right to cross-examine the Complainant/Respondent was closed.

2. In the previous order dated 24th July, 2025, while issuing notice to the Respondent, the Petitioner's undertaking to compensate the Respondent by way of payment of cost for the delay caused by him in the trial proceedings, was specifically noted. Counsel for the Respondent also agrees to the Petitioner being given an opportunity to cross-examine the Respondent, subject to the payment of cost. He further submits that the cost to be

¹ "BNSS"

² "Cr.P.C."



imposed on the Petitioner should be commensurate with the delay caused by him in cross-examining the Complainant.

3. The Court has duly considered the contentions advanced by the parties on the issue of imposition of costs. The Respondent has handed over their reply across the board, which is taken on record. As per the said reply, a notice under Section 251 of the Cr.P.C was framed against the Petitioner on 11th November, 2022, wherein he pleaded not guilty. Thereafter, no appearance was recorded on behalf of the Petitioner on 13th January, 2023. Similar non-appearance was noted on 1st July, 2023, pursuant to which bailable warrants were issued against the Petitioner. Subsequently, on 8th December, 2023, the Petitioner again failed to appear, resulting in the issuance of non-bailable warrants. On 26th April, 2024, the Petitioner remained absent, and an exemption from appearance was sought by the Petitioner's counsel. Later, on 6th September, 2024, an adjournment was requested on the ground that the Petitioner had engaged a new counsel. On 8th November, 2024, the Trial Court granted a final opportunity to the Petitioner to cross-examine the Respondent, with a clear indication that failure to do so would lead to the closure of that right. As a result, on 15th February, 2025, the impugned order was passed, closing the Petitioner's right to cross-examine the Complainant.

4. Counsel for the Petitioner undertakes to complete the cross-examination of the Complainant on a single date.

5. Having regard to the facts noted above, and bearing in mind that the cheques in question amount to INR 63,08,000/-, this Court is of the opinion that the costs imposed on the Petitioner should also serve to compensate the

³ "impugned order"



Respondent for the delay occasioned by the Petitioner.

6. In light of the above, the present petition is allowed with the following directions:

- (i) The impugned order dated 15th February, 2025, closing the right of the Petitioner to cross-examine the Complainant, is set aside.
 - (ii) The Petitioner shall pay a cost of INR 50,000/- to the Respondent for the delay caused. The cost shall be paid within a period of two weeks from today.
 - (iii) The Petitioner shall not seek any further adjournments and shall cross-examine the Complainant on the next date of hearing before the Trial Court, and ensure to conclude the same on the same day. If due to paucity of time, the cross-examination is not completed, the Trial Court shall schedule the hearing as deemed expedient.
 - (iv) The matter is now listed before the Trial Court on 18th September, 2025 for Defence Evidence. The Trial Court is requested to record the cross-examination of the Complainant on the said date, in order to avoid further delay.
7. With the aforesaid directions, the present petition is disposed of, along with pending application.

SANJEEV NARULA, J

JULY 28, 2025

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