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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5332/2025 & CRL.M.A. 22980/2025,**
CRL.M.A. 22981/2025
SH ARJUN SHARMAPetitioner

Through: Ms. Ananya Verma & Mr.
Shraveen Kumar Verma,
Advs.

versus

SH GAJINDER SAWHNEYRespondent
Through: Respondent in person.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
07.08.2025

1. By way of the present petition, the petitioner challenges the order dated 28.04.2025, passed by the learned Judicial Magistrate First Class ('**Trial Court**'), dismissing the application filed by the petitioner under Section 348 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**BNSS**') seeking recall of the complainant for cross examination.
2. The dispute relates to the dishonour of the cheque issued by the petitioner/ accused. The learned Trial Court dismissed the application noting that the complainant evidence was closed way back on 19.02.2024 due to non-appearance of the accused. It was also noted that on earlier occasions also, the petitioner had failed to appear which had also led to issuance of NBW and initiation of proceedings under Section 82 of the Code of Criminal Procedure, 1973.



3. Last and final opportunity to conduct defence evidence was also given on 24.03.2025 and on which date also the petitioner failed to appear.

4. Learned counsel for the petitioner submits that on earlier occasions, that is, on 11.07.2023 and 16.10.2023, the erstwhile counsel had failed to appear or represent the petitioner effectively. She submits that the petitioner was also not informed about the non-appearance due to which the opportunity to cross-examine was closed.

5. The record indicates that the petitioner had repeatedly failed to appear before the learned Trial Court. He had not been diligent in pursuing the case.

6. Thus, I find no infirmity in the impugned order dismissing the application filed by the petitioner seeking recall of the complainant for cross-examination.

7. The complainant is present in person and states that the complaint was filed way back in the year 2020 and due to the conduct of the petitioner the trial has not been concluded. He, however, states that he will be satisfied if he is adequately compensated for the delay.

8. Learned counsel for the petitioner also states that petitioner is willing to adequately compensate the complainant for the delay caused.

9. In view of the above, this Court consider it apposite to grant one last opportunity to the petitioner to cross-examine the complainant on him paying the cost of ₹10,000/- to the complainant.

10. In light of the above discussion, the impugned order is set



aside and the petitioner is granted one last opportunity to cross-examine the complainant.

11. The complainant states that he will remain present before the learned Trial Court on 18.08.2025.

12. The learned Trial Court is, therefore, directed to grant one last opportunity to the petitioner to cross-examine the complainant on 18.08.2025 itself, or on any other convenient date.

13. Learned counsel for the petitioner states that the complainant would be examined on the said date itself and no further adjournment shall be taken.

14. Matter is directed to be listed before the learned Trial Court on 18.08.2025.

15. Order be communicated to the concerned Principal District and Sessions Judge, Tis Hazari Courts, Delhi for necessary compliance.

16. The parties are directed to remain present before the learned Trial Court on the said date.

17. The learned Trial Court is requested not to grant any unwarranted adjournments to any of the parties and endeavour to complete the cross-examination of the complainant on the said date itself.

18. The petition is allowed in the aforesaid terms.

19. Pending applications also stand disposed of.

AMIT MAHAJAN, J

AUGUST 7, 2025

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