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

+ CRL.M.C. 5384/2025, CRL.M.A. 23187/2025 (stay)
RITESH KUMARPetitioner

Through: Mr. Salim Malik and Ms. Shavana,
Advocates with Petitioner.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Gurpreet Singh Gulati, Advocate
for R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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08.08.2025

CRL.M.A.23188/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 5384/2025

3. Petition under Section 482 of the Code of Criminal Procedure, 1973 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), has been filed on behalf of the Petitioner, for setting-aside the impugned Order dated 16.07.2025 of learned ASJ, East, Karkardooma Courts, Delhi vide which the learned Sessions Judge while giving an opportunity to the Petitioner/Accused for recoding of his Statement under Section 313 Cr.PC in a Complaint under Section 138 of the N.I. Act, has directed him to pay the cost of Rs.35,000/- each in the two Petitions.
4. Learned counsel for the Respondents, who has appeared on advance



Notice, submits that the conduct of the Petitioner does not merit any relaxation in the first more so because he is a practising Chartered Accountant and has means to pay the cost.

5. **Submissions heard and the record perused.**

6. Insofar as, the recording of the Statement under Section 313 Cr.PC is concerned, it is a mandatory step in any criminal trial and under no circumstances can it be dispensed with especially when the accused is appearing in the trial. Even if, it means issuing of coercive processes to ensure that the Statement under Section 313 Cr.PC is recorded. The only grievance, however, is in regard to the imposition of cost.

7. Considering the totality of circumstances, the cost is reduced to Rs.15,000/- in each case, to be paid to the Complainant.

8. The Petition is disposed of. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 8, 2025/RS