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

+ **W.P.(CRL) 2649/2024 & CRL.M.A. 25994/2024**

NIRVAN SINGH MAKAN

.....Petitioner

Through: Mr. J.P. Sengh, Sr. Advocate along
with Mr. Dinesh Priani and Sachin
Bhardwaj, Advocates

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Anand V Khatri, ASC (Crl.) for
the State with SI Sundar, P.S. South
Campus, SI Amit Saw, P.S. Tilak
Nagar
Ms. Diya Kapur, Sr. Advocate
alongwith Mr. Sandeep Goel, Mr.
Raghav Kumar & Mr. Aditya Ladha,
Advocates for Respondent No.2.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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20.02.2025

1. The present petition has been filed under Article 226 of the
Constitution of India seeking the following reliefs: -

a) Allow the present petition & set aside the Order dated 20/02/2024
passed by the Court of Shri Anurag Chhabra, Metropolitan
Magistrate, NI Act-03, Patiala House Courts, New Delhi in the Ct.
Cases No. 7095/2019 titled "Abhi Chopra Versus Nirvan Singh
Makan" under section 138 Negotiable Instruments Act of dismissal of
Application filed on behalf of Petitioner / Accused under Section 311
Cr.P.C. read with 315 Crpc for permission to examine Petitioner



himself as a Defence Witness and
b) Permit the Petitioner to examine himself as a defence witness

2. Learned Senior Counsel for the Petitioner states on instructions that the Petitioner limits the relief sought in the present petition and Petitioner would be satisfied if this Court directs in its order, that the Trial Court will consider the probative value of receipt dated 08.06.2017 (Ex. CW-1/DX2) at the time of final arguments and its effect if any to be decided in accordance with law.

2.1 He states that the said receipt was put to the complainant during cross-examination and has been marked as Exhibit CW-1/DX2. He states that the receipt bears the signatures of the Petitioner (Nirvan Singh Makan) herein.

3. In response, learned Senior Counsel for the Respondent states on instructions that the Respondent disputes the genuineness of receipt dated 08.06.2017. She states that Respondent is not a signatory to this document.

3.1 She states that however she has no objection if this petition is allowed recording the direction as prayed for by the learned Senior Counsel for the Petitioner in his oral submissions.

4. The submission of the parties are taken on record and the parties are bound down to the same.

5. The petition is disposed of with a direction to the learned Trial Court to consider the probative value of Exhibit CW-1/DX2 i.e., receipt dated 08.06.2017 at the time of final arguments in accordance with law.

6. It is made clear that issuance of this direction is not an expression of opinion on the merits of either party's submissions.

7. All rights and contentions of parties are left open.

8. Pending application if any stands disposed of.

9. The digitally signed copy of this order, duly uploaded on the official



website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

FEBRUARY 20, 2025/mt/sk **MANMEET PRITAM SINGH ARORA, J**
[Click here to check corrigendum, if any](#)