



\$~51

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

+ CRL.M.C. 6051/2025 & CRL.M.A. 25725/2025

VYOM INFRASTRUCTURE

AND PROJECTS PVT. LTD.

.....Petitioner

Through: Mr. Yogesh Sharma, Ms.
Pratima Ravi, Mr. Yugant
Parihar, Mr. Yogeshwer
Singh, Advocates.

versus

RAJDEEP GOYAL

.....Respondent

Through: Mr. S. N. Gautam,
Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **28.08.2025**

1. The petitioner challenges the order dated 31.01.2024, ('**impugned order**') passed by the learned Metropolitan Magistrate-04 (hereafter '**Trial Court**'), North West, Delhi, pursuant to which the application filed by the petitioner under Section 311 of the CrPC, seeking recall of complainant for cross-examination, was dismissed.

2. The learned Trial Court noting that the complainant's cross-examination was listed for the first time on 06.03.2021 and despite repeated opportunities, the petitioner had failed to cross-examine the complainant, closed his right to cross-examine the complainant.

3. Undisputedly, the petitioner has not been diligently following the case and one of the accused persons, being the Director of the petitioner Company, was also declared proclaimed offender *vide* the impugned order. In such a scenario,

CRL.M.C. 6051/2025

Page 1 of 3



I find no infirmity in the order passed by the learned Trial Court. The present petition is also filed with an inordinate delay.

4. The learned counsel for the respondent, however, on instructions, states that since the evidence has not concluded, he has no objection if the petitioner is granted one last opportunity to cross-examine the complainant on him undertaking not to take unwarranted adjournments and adequately compensating the complainant. He has no objection if the impugned order is set aside.

5. In view of the above, even though I find no infirmity in the order passed by the learned Trial Court, however, considering that the respondent has no objection if one last opportunity is granted to the petitioner to cross-examine the complainant and that the evidence has still not concluded, the impugned order is set aside, on payment of cost of ₹1.00 lakh by the petitioner to the respondent within a period of two weeks from date.

6. The learned Trial Court is directed to grant one last opportunity to the petitioner to cross-examine the complainant.

7. The learned Trial Court is however requested not to give any unwarranted adjournments to any of the parties and endeavour be made to conclude the examination of the complainant on one date that may be fixed as per the convenience of the learned Trial Court.

8. The learned counsel for the petitioner submits that if the complainant is present on the next date of hearing, he would make all endeavours to finish the cross- examination on the same day itself and will not seek any unwarranted adjournment even on subsequent dates.

9. The proof of payment of compensation to the respondent
CRL.M.C. 6051/2025

Page 2 of 3



shall be filed by the petitioner before the learned Trial Court.

10. The petition stands allowed and the impugned order is set aside to the extent as aforesaid. Pending application also stands disposed of.

AMIT MAHAJAN, J

AUGUST 28, 2025

DV