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

+ CRL.M.C. 6029/2025, CRL.M.A. 25642/2025, CRL.M.A. 25643/2025 & CRL.M.A. 25644/2025
MADHAV FUELS & ANR.Petitioners

Through: Appearance not given.

versus

THE STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Raghuinder Verma, APP for State
with Mr. Aditya Vikram Singh, Adv.
SI Pankaj PS Najafgarh
Mr. Prashant Mehra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

01.09.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhta, 2023 has been filed by the petitioners – Madhav Fuels and its proprietor Shri Prakash Gupta – assailing the impugned order dated 07.12.2023 passed by the learned MM (NI Act)-01, Dwarka Courts, New Delhi, in complaint case No. 30153/2018 titled *Pinnacle Capital Solutions Pvt. Ltd. vs. Madhav Fuels & Anr.*, whereby, the application under Sections 315 and 311 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”), filed by the petitioners to lead defence evidence was dismissed.

2. The background of the case is as follows:

a. In 2017, the petitioners availed a loan facility of ₹25,00,000/- from respondent No. 2 (Pinnacle Capital Solutions



Pvt. Ltd.), a registered NBFC.

b. Upon default in repayment, the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, 1881. Three cheques of ₹5,73,634/- each, totalling ₹17,20,902/- were dishonoured with the remark “Payment Stopped by Drawer.”

c. The complaint case has been pending since the year 2018. Respondent concluded its evidence by December 2022.

d. The petitioners were granted multiple opportunities to lead defence evidence (hereinafter “DE”), first on 07.12.2022, then on 14.02.2023, and 22.02.2023.

e. Despite these opportunities, no steps were taken. Consequently, DE was closed by the learned MM on 04.05.2023. The petitioners later filed an application under Sections 315 and 311 of the CrPC on 04.12.2023 seeking to reopen DE, which was dismissed vide impugned order dated 07.12.2023.

f. A revision petition was also filed and dismissed by the learned ASJ on 23.04.2025, being not maintainable against an interlocutory order. The present petition has been filed thereafter with prayers for setting aside the impugned order.

3. Learned counsel appearing on behalf of the petitioners submitted that the delay in filing the application for DE was due to the severe and prolonged medical illness of petitioner No. 2, who underwent cardiac stenting in the year 2020 and has been suffering from kidney ailments since the year 2022. It is argued that due to



these health issues, petitioner No. 2 was unable to coordinate with legal counsel in a timely manner and could not file the necessary list of witnesses or application for leading defence evidence in accordance with the timelines prescribed by the learned MM.

4. It is further contended that the petitioners were initially granted opportunities by the learned MM to lead defence evidence on 07.12.2022, 14.02.2023, and 22.02.2023. However, due to the petitioner's continued illness and a miscommunication with their previous counsel, no application could be filed during this period. The defence evidence was consequently closed on 04.05.2023. It is urged that this non-compliance was not deliberate or contumacious, but was rooted in genuine and demonstrable medical hardship. The delay in approaching the court with the application dated 04.12.2023 was thus unintentional and *bona fide*.

5. There was miscommunication with counsel, and the non-filing of DE was neither intentional nor deliberate. Respondent No. 2 had taken around 7 adjournments during its own evidence stage, hence the same benefit should have been accorded to the petitioners as the opportunity to lead defence evidence is essential for a fair trial and adjudication on merits.

6. It is argued that no prejudice would have been caused to the respondent/complainant if one final opportunity had been granted. It is pointed out that even the complainant took several adjournments to complete their evidence and, therefore, the petitioners ought not to be penalised with a stricter standard, especially considering the petitioner's age and medical condition. Thus, it is prayed that the



relief as prayed for may be granted and the instant petition may be allowed.

7. *Per Contra*, learned counsel for respondent No. 2 vehemently opposed the instant petition submitting to the effect that the said application has been rightly adjudicated by the learned MM in light of the fact that the right of the accused/petitioners to lead DE had already been closed on 04.05.2023 after having been granted ample and repeated opportunities. The learned counsel for respondent No. 2 orally argued that the application was clearly an afterthought and filed only with the intention to delay the adjudication of the case, which has been pending since the year 2018.

8. It is further submitted that the matter was fixed for final arguments and the petitioners had not taken any steps from May 2023 till December 2023 to seek reopening of DE. The respondent contended that nearly seven months had elapsed since the closure of DE, yet no application was filed during this period, reflecting a deliberate and negligent approach on the part of the accused.

9. Accordingly, respondent No. 2 prayed for the dismissal of the application, asserting that allowing the petitioners to reopen DE at this advanced stage would unduly prejudice the complainant and prolong the trial unnecessarily.

10. Heard learned counsel appearing on behalf of the parties and perused the material on record.

11. Upon careful consideration of the submissions advanced by both parties, this Court is of the view that the impugned order dated 07.12.2023, does not warrant any interference for the reasons



enumerated in the following paragraphs.

12. At the outset, it is pertinent to note that the petitioner, prior to the filing of the present petition, had challenged the learned MM's order before the Sessions Court under Section 397 CrPC. The same was dismissed vide order dated 23.04.2025 as non-maintainable, primarily on the ground that the impugned order is an interlocutory order and revision shall not lie against it. Through, the present petition, the petitioner has not challenged the Sessions Court's order, thus, admitting its findings and correctness.

13. The record clearly establishes that the petitioners were granted multiple and sufficient opportunities to lead their defence evidence.

14. Specifically, the matter was fixed for DE on 07.12.2022 and subsequently adjourned on 14.02.2023 and 22.02.2023 for the same purpose.

15. Despite these opportunities, the petitioners neither proceeded to conclude DE nor moved any application under Section 315 or 311 of the CrPC within a reasonable time. As a result, the learned MM rightly closed their right to lead DE on 04.05.2023.

16. Thereafter, for a period of almost seven months, no steps were taken by the petitioners to seek revival of their right to lead DE. The application seeking such relief was only filed belatedly on 04.12.2023.

17. While the petitioners have attempted to justify this delay by citing medical reasons and miscommunication with counsel, the medical documents filed do not *conclusively* show that petitioner No. 2 was continuously bedridden or medically unfit to instruct counsel or



approach the court, as also recorded by the learned MM in the impugned order.

18. More significantly, nothing has been brought on record to reflect or support the claim of miscommunication with the counsel as contended. In the absence of convincing evidence, the delay cannot be condoned merely on vague or general explanations.

19. The right to lead DE is undoubtedly a valuable one. However, it must be exercised within the procedural framework of law. The courts cannot be expected to keep matters pending indefinitely due to the indolence or lack of diligence by the accused.

20. The law prescribes a fair and reasonable opportunity, not an endless indulgence. The learned MM, after duly considering the facts, rightly exercised its discretion in declining the belated prayer to reopen DE.

21. The present petition does not disclose any manifest illegality or procedural impropriety in the impugned order which would justify the exercise of inherent jurisdiction by this Court.

22. *Lastly*, it is important to reiterate that procedural timelines and judicial discipline are essential to ensure the orderly progress of trials. The conduct of the petitioners reflects repeated defaults and an evident attempt to delay the trial under the pretext of ill health.

23. In ***Re: Expeditious Trial of Cases under Section 138 of the NI Act, 1881, Suo Motu Writ Petition (Crl.) No. 2/2020 (order dated 16.04.2021)***, the Hon'ble Supreme Court underscored that cheque dishonour prosecutions must be conducted with expedition and that courts cannot allow accused persons to employ procedural devices as



a means to protract trials. The Court directed that summary trial is the norm, and that indulgence in repeated adjournments or belated procedural applications undermines both the statutory mandate and the complainant's right to speedy justice.

24. Viewed in that light, the conduct of the petitioners in the present matter, where despite being afforded multiple opportunities to lead defence evidence on 07.12.2022, 14.02.2023 and 22.02.2023, they failed to act and only moved applications under Sections 315 and 311 of the CrPC seven months later, exemplifies precisely the sort of dilatory tactics that the Hon'ble Supreme Court has cautioned against. As held, the rights of parties are valuable but must be exercised with diligence and within the procedural framework; otherwise, the administration of justice would be hostage to indolence. The consistent judicial stand, therefore, is that while fair opportunity must be afforded, courts are equally duty-bound to prevent abuse of process and to ensure that Negotiable Instruments Act, 1881 trials do not degenerate into interminable proceedings.

25. Therefore, Courts should not permit a party to take advantage of its own negligence, particularly where ample opportunities were already provided.

26. Accordingly, it is held that the impugned order dated 07.12.2023 is a reasoned and legally sustainable order. It reflects due application of mind, acknowledges the previous indulgences granted to the petitioners, and concludes with a finding that the delay was unjustified. There is no violation of natural justice or denial of fair opportunity.



27. In view of the above, the present petition is devoid of merit and stands dismissed. The impugned order dated 07.12.2023 is hereby upheld.

28. Pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

SEPTEMBER 1, 2025/AS/ryp