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

+ **CRL.M.C. 6678/2025**

ANIL D KANERIA

.....Petitioner

Through: Mr. Vivek Sood, Sr. Adv. with Mr. Abhishek Garg, Mr. Tanuj Gulati, Mr. Saksham Verma, Mr. Yogesh Sharma, Mr. Amitanshu Satyarthi,, Ms. Medhavi Judem and Ms. Pankhuni Jain, Advs.

versus

ORIENT BELL LIMITED & ANR.

.....Respondents

Through: Mr. Anshuj Dhingra and Ms. Akansha Sharma, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **18.09.2025**

CRL.M.A. 28071/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 6678/2025 & CRL.M.A. 28070/2025 STAY

1. This is a petition under Section 528 of Bhartiya Nagrik Suraksha Sanhita 2023 impugning the order dated 03.06.2025 in Complaint Case No. 8550/2016 whereby learned trial court disallowed a question put during the cross-examination of CW-1 regarding earlier arbitration proceedings initiated by the complainant concerning the same transaction between the parties in dispute.
2. Mr. Vivek Sood, learned senior counsel for the petitioner submits that



complainant had invoked arbitration under the terms of Manufacturing and Investment Agreement. However, he deliberately chose not to pursue the said arbitration any further and when specific question was put to CW-1, the same was objected to and was disallowed by the learned trial court on the ground that it was not relevant.

3. It is further submitted that the disallowed question was absolutely relevant and necessary to confront CW-1 with the complainant's own contradictory conduct, to expose the real nature of the transaction, and to impeach the creditworthiness of the witness. It is submitted that the question put is relevant under Section 9 of the Evidence Act for rebutting the presumption under Section 138 NI Act, and therefore, rejection of such question has resulted in prejudice to the petitioner.

4. Learned counsel for respondent no.1/complainant, appearing on advance notice, submits that petitioner has been delaying the proceedings from time to time and the question asked was neither relevant nor material and therefore rightly rejected by the learned trial court. However, after part submissions, learned counsel states that respondent no.1/complainant shall have no objection in case petitioner be permitted to cross-examine the witness only to the limited extent of one single question being put to CW-1 regarding earlier arbitration proceedings initiated by the complainant concerning the same transaction between the parties. Mr. Sood, the learned senior counsel assures that he will ask only the aforesaid single question to CW-1.

5. In view of the submissions of learned counsels, and in particular concession granted by learned counsel for the respondent/complainant, the petition is disposed of granting liberty to the petitioner to cross-examine



CW-1, limited to the aforesaid extent and with condition that petitioner shall not ask any further questions and shall not seek any adjournment from the trial court for the purpose of such cross examination on account of any reason whatsoever. Respondent(s) to produce CW-1 for the cross examination on the next date listed before the trial court.

RAVINDER DUDEJA, J

SEPTEMBER 18, 2025/ib/ak