



\$~14

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

+ **CRL.M.C. 6986/2025 & CRL.M.A. 29358/2025**

KAUSTAV RAY & ANR.

.....Petitioners

Through: Mr. Sanjay Kumar and Ms. Monica,
Advocates.

versus

RAJEEV JHANJI

.....Respondent

Through: Mr. Prashant Diwan and Mr. Manjeet
Singh, Advocates with AR of
Respondent.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

08.10.2025

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ is directed against order dated 1st September, 2025 passed by the ASJ in Crl. Rev. Petition No. 74/2025 as well as order dated 8th October, 2024 passed by the JMFC in Ct. Cases No. 2670/2017.
2. By order dated 8th October, 2024, the Petitioner's application under Section 243(2) of the Code of Criminal Procedure, 1973 was dismissed for non-prosecution. Consequently, the Petitioner's right to lead defence evidence was also closed. A revision petition filed by the Petitioner challenging the said order was dismissed on the ground of limitation *vide* order dated 1st September, 2025.
3. On 26th September, 2025, this Court took note of the factual

¹ "BNSS"



background of the case, and passed the following order:

“6. Counsel for the Petitioner submits that the delay in filing the revision petition was sufficiently explained, as the Petitioner was in custody from 18th July, 2023 to 8th October, 2024, and that this aspect was not duly considered by the Revisional Court.

7. However, as noted in the order dated 8th October, 2024, the Petitioner was granted multiple opportunities to lead defence evidence until September, 2023, which he failed to avail, resulting in the closure of his right to do so. In the said background, when this Court posed a query to the Petitioner for compensating the Complainant for the delay, he expressed his willingness to do so. The Court also directed the Petitioner to inform the Respondent’s counsel to join the proceedings. However, it was brought to the Court’s notice that Mr. Manjeet Singh, counsel for the Respondent, declined to appear on the ground that he had not received any formal notice from the Court.

8. Nonetheless, considering the Petitioner’s willingness to compensate for the delay, and having regard to the cheque amount being INR 1 Crore, it is directed that the Petitioner shall deposit a sum of INR 1,00,000/- with the Registrar General of this Court, within a period of one week from today.

9. Issue notice to the Respondent by all permissible modes, upon filing of process fee. Notice be also served to the Respondent through counsel. Upon service, let reply be filed on or before the next date of hearing.

10. Since the matter is listed before the Trial Court for final arguments, the Trial Court is requested to defer the hearing of final arguments to a date subsequent to the next date fixed in the present proceedings.

11. It is made clear that in case the Petitioner fails to deposit the cost as directed, the interim directions noted above shall automatically stand vacated. The said deposit is tentative and shall be subject to further orders to be passed after hearing the Respondent’s counsel.

12. Re-notify on 08th October, 2025.”

4. In compliance with the aforementioned order, the Petitioner has deposited the sum of INR 1,00,000/- with the Registrar General of this Court.

5. The Authorised Representative of the Respondent is present along with counsel, Mr. Prashant Diwan. On instructions, Mr. Diwan takes a fair but firm stand, and submits that if any indulgence is to be granted to the Petitioner, it must be subject to strict conditions, including imposition of



costs. He points out that the matter has been pending trial for a considerable period and that the Petitioner has been adopting dilatory tactics to delay the proceedings. He, therefore, prays for appropriate directions to ensure that the trial is concluded expeditiously and without any further unwarranted adjournments.

6. Counsel for the Petitioner, on instructions, submits that the Petitioner intends to examine only three witnesses in defence evidence: the Petitioner himself; the concerned officer from the Bank from which the cheque was issued; and an expert witness on the alleged forgery of the cheque in question.

7. In light of the foregoing, the present petition is disposed of with the following directions:

7.1. The impugned order dated 08th October, 2024 and order of the revisional court dated 01st September, 2025 are set aside.

7.2. The amount of INR 1,00,000/- deposited by the Petitioner with this Court be released in the name of the Respondent Company, upon due verification and proper authorisation.

7.3. The statement of counsel for the Petitioner, undertaking the following, is taken on record:

- (a) The Petitioner shall not seek any further adjournment before the Trial Court;
- (b) The Petitioner shall remain present before the Trial Court on all dates of hearing, unless exempted by the Court;
- (c) The Petitioner shall examine only three defence witnesses, as delineated above.

7.4. The Trial Court is requested to conclude the defence evidence in a



time bound manner, preferably within a period of three months from today.

8. In light of the foregoing, the present petition is disposed of, along with pending application.

9. All rights and contentions of the parties are left open.

SANJEEV NARULA, J

OCTOBER 8, 2025

d.negi