SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2369/2026 Vishesh Bajaj --Applicant **Versus** Ankit Sharma --Respondent **Hon'ble Alok Mahra, J.** Mr. Vikash Bahuguna, learned counsel for the applicant. 2. The present C-528 application has been filed seeking to quash and set aside the order dated 19.05.2026 passed by the learned 3rd Additional Chief Judicial Magistrate, Dehradun, in Criminal Complaint No.4018 of 2018, whereby the opportunity of the applicant/complainant to adduce evidence was closed, as well as the subsequent order dated 07.08.2026 passed by the same court, whereby the applicant's application under Section 311 Cr.P.C. seeking recall of the said order and grant of an opportunity to adduce evidence was rejected. 3. Learned counsel for the applicant would submit that the applicant is the complainant in a complaint case instituted under Section 138 of the Negotiable Instruments Act, 1881 ('the

			N.I. Act'); that, the statement of the respondent/accused under Section 251 Cr.P.C. was recorded on 11.09.2025, whereafter the matter was fixed for recording the evidence of the applicant/complainant; that, however, due to certain unavoidable reasons, the applicant could not appear before the court below on the date fixed, and consequently, vide order dated 11.03.2026, the opportunity afforded to the applicant to adduce evidence was closed. 5. Learned counsel would further submit that, thereafter, the applicant moved an application under Section 311 Cr.P.C., which was allowed by the court below vide order dated 01.04.2026, granting him an opportunity to adduce evidence and fixing 19.05.2026 for the said purpose, however, on 19.05.2026, the applicant had to visit Tehri Garhwal in connection with some personal work and, therefore, could not remain present before the court below and an application seeking adjournment was moved through his counsel, but the same was rejected and the opportunity of the applicant to adduce evidence was again closed; that, immediately thereafter, the applicant moved another application under Section 311 Cr.P.C. seeking an opportunity to adduce his evidence, which came to be rejected

			vide the impugned order dated 07.08.2026. 6. Learned counsel would contend that, although the earlier application under Section 311 Cr.P.C. had been allowed by the court below vide order dated 01.04.2026, the opportunity granted to the applicant to adduce evidence was closed on the very first date fixed for the said purpose. He would further submit that the applicant is the complainant himself in the proceedings instituted under Section 138 of the N.I. Act and, unless an opportunity is granted to him to lead evidence, he would suffer serious prejudice in prosecuting his complaint. It is, therefore, prayed that one more opportunity may be granted to the applicant to adduce his evidence before the court below. He would further submits that the matter is presently fixed before the court below for 04.11.2026. 7. Heard learned counsel for the applicant and perused the material available on record. 8. Having considered the submissions advanced by learned counsel for the applicant and the facts and circumstances of the case, this Court finds that the applicant had earlier been granted an opportunity to adduce evidence pursuant to the order dated 01.04.2026 passed on his

			application under Section 311 Cr.P.C. However, on the very first date fixed thereafter, i.e. 19.05.2026, his opportunity to adduce evidence was again closed on account of his non-appearance, notwithstanding the fact that an application seeking adjournment had been moved on his behalf. 9. Considering that the applicant is the complainant in proceedings under Section 138 of the N.I. Act and that an opportunity to adduce evidence is necessary for the proper adjudication of the complaint, this Court is of the view that, in the interest of justice, one final opportunity deserves to be granted to the applicant to lead his evidence. However, such indulgence should be subject to payment of costs so as to compensate for the inconvenience caused and to ensure that no further unnecessary adjournment is sought by the applicant. 11. Accordingly, the orders dated 19.05.2026 and 07.08.2026 passed by the learned 3rd Additional Chief Judicial Magistrate, Dehradun, in Criminal Complaint No.4018 of 2018, are hereby set aside. The court below is directed to afford one final opportunity to the applicant/complainant to adduce his evidence on the next date fixed in the matter, i.e. 04.11.2026, subject to the applicant depositing a sum of

			₹10,000/- (Rupees Ten Thousand only) towards costs with the High Court Bar Association Welfare Fund, Nainital, Uttarakhand, within three days from today. 12. It is made clear that the applicant shall avail the aforesaid opportunity on the date fixed and shall not seek any further adjournment for the purpose of adducing his evidence. In case of failure to avail the opportunity so granted, the court below shall be at liberty to proceed with the matter in accordance with law. 13. With the aforesaid observations and directions, the C-528 application stands allowed. 14. Pending applications, if any, also stand disposed of. **(Alok Mahra, J.)** 31.10.2026 Mamta MA MTA RANI Digitally signed by MAMTA RANI DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebfcf46f244f3e584af1449e430ef900bf09a6d67ebbd642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabfd54852c9e68911ca8b66dd26690a191648ab5d8dd004ef0, cn=MAMTA RANI Date: 2026.11.03 11:21:04 +05'30'