SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			UKHC010205022026 **C528/2565/2026** Rajani Agrawal --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Aditya Purohit and Mr. Siddhartha Agarwal, Advocates for the applicant. 2. Mr. Deepak Bisht, D.A.G. for the State. 3. The present criminal misc. application has been filed by the applicant with a prayer to quash/set-aside the order dated 21.09.2026 passed by learned ACJM, Special Judge, N.I. Act, Haldwani in Criminal Case No. 4051 of 2021, under Section 138 of Negotiable Instruments Act, 1881, whereby, the application filed by the applicant under Section 311 Cr.P.C. was rejected. 4. Learned counsel appearing for the applicant submits that after change of the counsel, on the advice of new counsel, that some questions have been left to be asked from the complainant, the applicant had filed an application under Section 311 Cr.P.C. requesting the Court concerned to recall the complainant for cross-examination. 5. Learned counsel for the applicant has also challenged the subsequent order dated 02.11.2026, whereby, exemption application

			for personal appearance of the applicant was dismissed and non-bailable warrants alongwith notices to the sureties were issued against the applicant. 6. *Per contra*, learned State Counsel submits that the application filed under Section 311 Cr.P.C. has rightly been dismissed by the learned Trial Court concerned. Learned State Counsel further submits that mere change of a counsel constitutes no valid legal ground to recall the complainant to examine him all over again. 7. Heard learned counsel for the parties and perused the record. 8. After perusal of the impugned order, it is apparent that the applicant had already cross-examined the complainant on 27.01.2024 and the complaint case was fixed for hearing and at the time of hearing, on the pretext of changing of a counsel, application under Section 311 Cr.P.C. was moved by the applicant and, as such, in the said application, there were no specific questions mentioned, which the applicant wants to ask the complainant. 9. Furthermore, considering the fact that since Section 143(3) of the Negotiable Instruments Act, 1881 mandates that every trial under Section 138 shall be conducted as expeditiously as possible with an endeavour to conclude it within six months from the date of filing of the complaint and, as such, the present case is pending since the year 2021, therefore, applicant cannot be permitted to recall the complainant for further cross-examination and that too when applicant was given a remedy to cross-examine the complainant way back in the year 2024. 10. Hence, this Court is of the view that the

			Trial Court concerned has considered & discussed all relevant aspects and thus, the view taken by the learned Magistrate concerned cannot be faulted and this Court does not find any infirmity or illegality in the impugned order dated 21.09.2026 and hence does not intend to interfere with the same. 11. However, considering that the applicant is appearing in the proceedings before the learned Magistrate concerned in the complaint case, as such, the effect and operation of the subsequent order dated 02.11.2026 passed in Criminal Case No. 4051 of 2021, whereby, NBWs alongwith notices to the sureties have been issued against the applicant, shall be kept in abeyance, strictly subject to the condition that applicant shall appear in person before the Magistrate concerned on the next date of hearing. 12. With the aforesaid observation, the present criminal misc. application stands disposed of. **(Alok Mahra J.)** 20.11.2026 Ujjwal