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

% ***Date of Decision: 13th May, 2026***

+ **CRL.M.C. 1901/2026 & CRL.M.A. 7828/2026**

HARDESH GUPTA

.....Petitioner

Through: Mr. Vikas Khatri and Mr. Manas
Khatri, Advocates.

versus

SHASHI SHARMA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a complaint filed against him by respondent under *Section 138 of Negotiable Instruments Act, 1881*.
2. During the proceedings of the abovesaid case, respondent i.e. complainant-Ms. Shashi Sharma entered into witness box on 26.06.2019.
3. She was cross-examined in part and her examination was deferred. Thereafter, she again entered into witness box on 25.11.2022 and partly examined and her further cross-examination was deferred. Eventually, she appeared on 02.02.2023 and on that day, she was discharged after due cross-examination.
4. During such cross-examination, she was asked whether she or her husband has instituted any other case under *Section 138 of Negotiable Instruments Act, 1881* against anyone and she replied by claiming that she did not remember any such thing.
5. A suggestion was put to her that she was purposely concealing the



same, which she brushed aside as wrong and incorrect.

6. Fact remains that at that time, learned counsel for the accused (petitioner herein) did not confront him with any such complaint filed under *Section 138 of Negotiable Instruments Act, 1881* by her husband.

7. Learned counsel for the petitioner submits that there was a complaint filed by her husband Nitya Nand Sharma against one Anil Kumar Srivastava and such complaint is under *Section 138/142 of Negotiable Instruments Act, 1881*. He, therefore, sought recalling of the abovesaid witness for confronting her with the abovesaid complaint.

8. An application was filed by the accused under Section 311 of Cr.P.C. which has been dismissed by the learned Trial Court on 12.12.2025.

9. Such order is under challenge.

10. The present petition has been filed under Article 227 of Constitution of India. Such supervisory jurisdiction can be invoked only when there is grave illegality or perversity in the impugned order. The power has to be used sparingly when High Court notes that the concerned Court or Authority has exceeded its jurisdiction or where there is flagrant abuse of fundamental principles of law or where any such order would result in grave injustice.

11. The abovesaid aspects go on to signify that the impugned order does not suffer from any patent illegality or perversity. On the contrary, it is noticed that the learned Trial Court has already protected rights and interest of the petitioner by permitting him to bring evidence in this regard, at the time of defence evidence. Moreover, as already noted above, the answers have been duly recorded in the cross examination and if at all, the defence wanted the witness to be confronted with the abovesaid complaint, such exercise should have been done, then and there.



12. Finding no merit or substance in the present petition, the same is, hereby, dismissed *in limine*.

MANOJ JAIN, J

MAY 13, 2026/sw/sk