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

+ CRL.M.C. 3433/2026, CRL.M.A. 13887/2026-Exp., CRL.M.A.
13888/2026-Stay

LAKSHAY DIPCHANDANI

.....Petitioner

Through: Mr. Yogesh Swaroop, Ms. Shivangi
Singh, Advs.

versus

GURVINDER SINGH ALAG

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

04.05.2026

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1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner seeks setting aside of the orders dated 17.01.2026 and 20.03.2026 passed by the learned JMFC (NI Act)-07/SED, Saket Courts, New Delhi in CC No.9294/2021(***learned Trial Court***), whereby his right to lead complainant evidence was closed and application under *Section 311* CrPC was dismissed respectively.

2. Learned counsel for the petitioner submits that, while passing the impugned orders, the learned Trial Court has failed to consider that the petitioner was suffering from some genuine health issue. He submits that the petitioner had even placed on record medical prescription dated 15.01.2026 reflecting his dental problem, however, the same was not considered and brushed aside by the learned Trial Court.



3. Considering the nature of relief sought in the present petition, issuance of notice to respondent is dispensed with.

4. Admittedly, though no medical documents have been placed on record qua the earlier three dates i.e., 04.07.2025, 30.08.2025 and 01.11.2025 when the matter was adjourned by the learned Trial Court at the request of learned counsel petitioner/ complainant therein, however, considering the application filed by the petitioner supported by a medical document dated 15.01.2026, reflecting the dental problem and swelling in his teeth, as also the proceedings are emanating from a cheque issued in the name of the petitioner, who is the complainant himself, this Court is inclined to grant a final opportunity to the petitioner for him to lead his/ complainant evidence before the learned Trial Court.

5. Accordingly, the present petition is allowed and the impugned orders dated 17.01.2026 and 20.03.2026 are set aside, albeit, subject to costs of Rs.25,000/- (*Rupees Twenty Five Thousand Only*) to be paid to the respondent within a period of *two weeks*.

6. The learned Trial Court, as such, is directed to accord one more opportunity to the petitioner lead complainant evidence on any date convenient to the Court as also to the learned counsel for the respondent.

SAURABH BANERJEE, J

MAY 4, 2026/So