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

% ***Date of Decision: 01.10.2026***

\# **CNR No. DLHC010233952026**

\+ **CRL.M.C. 4090/2026 and Crl.M.A.16555/2026**

INTEGRATED ENGINEERING SOLUTIONS PVT LTD & ANR.
.....Petitioners

Through: Mr. Chandra Shekhar Yadav and Ms. Pakhi Dutta Roy, Advs.

versus

NEW LOOK METAL MILLS PVT LTD .....Respondent

Through: Mr. Pranav Jain and Mr. Ahaan Varma, Advs.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The petitioners challenge an order dated 07.05.2026 passed in CT. Cases 540850/2016, titled as 'M/s New Look Metal Mills vs. M/s Integrated Engineering', by the Court of JMFC (NI Act)-07, Central/THC, whereby the application filed by the petitioner no. 1 under Section 311 Cr.P.C. for recall of Complainant's Witness -1 ('CW-1') to complete his cross-examination was dismissed.

2. The right of further cross-examination of the witness has been previously closed on 18.11.2023. The same was re-opened only pursuant to an application under Section 311 Cr.P.C., filed by the petitioner no. 1 which came to be allowed vide order dated 31.01.2024.

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3. It was this context that the impugned order was passed taking note of the prior conduct of the petitioner/s.

4. Learned counsel, who himself has been appearing on behalf of the petitioner in the proceedings before the Trial Court explains that on 30.01.2026, he reached the Court complex but was delayed in securing parking. His associates were present before the Trial Court and sought a further passover. However, the Trial Court closed the opportunity of the petitioners to cross examine the Complainant's witness. Learned counsel for the petitioners states that he appeared shortly after the opportunity was closed and moved a recall application on the same day, supported by his own affidavit and those of his associates.

5. It has been averred in the present petition as under:

> "*7.That, as stated above, vide Order dated 30.01.2026, the right of the Accused (the Petitioners herein) to cross examination of the Complainant witness was closed at 2.50 PM. The counsel for the Petitioners/Accused, after seeking pass over in the first call at around 12.30 PM, reached Tis Hazari Courts by 1.50 PM alongwith his two junior associates namely Mr. Astitva Srivastava and Ms. Pakhi Dutta Roy and they went inside the court after getting drop from the car and informed the Ld. Trial Court that the counsel is looking for parking and would immediately come up stairs after parking his car. However, the counsel for the Petitioners did not get parking space to park his car due to unprecedented traffic and got the parking only by 3.00 PM and by 2.50 PM, despite specific request by the junior associates with regard to none availability of parking space, the Ld. Trial Court closed the right of the Accused/Petitioners to cross examine the Complainant's witness. It is further pertinent to mention that at around 3.05 PM, the counsel also met the Ld. counsel for the Complainant and requested her to come to the court for mentioning but the Ld. Counsel refused to come. The counsel for the Accused/Petitioners then mentioned the matter at 3.15 PM before Ld. Trial Court apprising him about unfortunate difficulty faced by him.*"

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6. The Trial's Court concern regarding delay in understandable. Cross-examination by the petitioner no.1 was conducted on several dates and an earlier closure had already been recalled and a final opportunity had been granted.

7. The complainant cannot be required to wait indefinitely for completion of cross-examination. Nevertheless, this Court is inclined to accept the counsel's explanation. Especially considering that the during the course of hearing, learned counsel accedes to being subject to appropriate costs for the lapse.

8. The prompt filing of the recall application on the very same day supports the explanation that the petitioner no.1 intended to proceed with the cross-examination but was prevented on account of circumstances beyond his control.

9. Having regard to the aforesaid circumstances, one final opportunity to complete the cross-examination would subserve the ends of justice. The inconvenience caused to the complainant can be addressed by costs.

10. Accordingly, the order dated 07.05.2026 is set aside. The closure recorded on 30.01.2026 is relaxed to the limited extent of permitting the petitioner one final opportunity to complete the cross-examination of CW-1, subject to payment of Rs.75,000/- as costs to the complainant before the commencement of such cross-examination. The petitioner accedes to payment of the said costs.

11. The next date of hearing before the Trial Court is 07.10.2026. Let the cross-examination be carried out on the said date. Learned counsel for the petitioners undertakes that he shall conclude the cross-examination on the

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very same date. The said undertaking is taken on record.

12. The Trial Court shall regulate the cross-examination to prevent repetitive questions and ensure that the cross-examination is completed on the said date.

13. If the petitioners fail to avail themselves of the opportunity for whatsoever reasons, the Trial Court shall proceed in accordance with law.

14. This order shall not be construed as an expression of opinion of this Court on the merits of the controversy.

SACHIN DATTA, J

OCTOBER 1, 2026/cl

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