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

\# **CNR No. DLHC010510452026**

\+ CRL.M.C. 7972/2026 & CRL.M.A. 33305-33306/2026

SUMANT BATRA .....Petitioner

Through: Mr. Varun Deswal and Mr. Danish Khan, Advocates

versus

STATE (GOVT. OF NCT) & ANR. .....Respondents

Through: Ms. Mukesh Kumar, APP for State

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 27.10.2026

CRL.M.A. 33306/2026 *(exemption)*

1. Allowed, subject to all just exceptions

CRL.M.C. 7972/2026

2. The present petition has been filed seeking setting aside of the impugned order dated 17th July, 2026, passed by the JMFC (NI Act)-08, South East District, Saket Courts, New Delhi in a complaint, being CC NI ACT 347/2022, filed under Section 138 of the Negotiable Instruments Act, 1881.

3. By the impugned order, the Trial Court has dismissed the application filed by the petitioner seeking recall of the complainant witness-1 (CW-1) for cross-examination.

4. Counsel for the petitioner submits that the previous counsel engaged

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by the petitioner did not carry out a comprehensive cross-examination of the witness of the complainant (CW-1) and hence, he seeks another opportunity for cross-examination of the witness.

5. I have gone through the impugned order passed by the Magistrate. The impugned order notes that the complainant was duly examined-in-chief, cross-examined and discharged on 3rd October, 2023 and the complainant evidence was closed on said date.

6. There is no infirmity in the finding of the order passed by the Trial Court which records that if the accused was aggrieved by the aforesaid order wherein the complainant's evidence stood closed, then he should have taken recourse or got his grievance redressed through appropriate action within a reasonable time period.

7. The application under Section 311 Cr.P.C. was filed before the Trial Court 2.5 years after the complainant witness was discharged, when a new counsel was engaged by the petitioner. At that stage, the statement under Section 313 Cr.P.C. had already been recorded and the matter was at the stage of defence evidence. The Trial Court has correctly observed that the attempt of the petitioner, by filing the said application, is clearly to delay the proceedings.

8. In view thereof, no grounds for interference are made out.

9. The petition is dismissed.

AMIT BANSAL, J

OCTOBER 27, 2026
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