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

\# **CNR No. DLHC010552652026**

\+ CRL.M.C. 8556/2026, CRL.M.A. 35910/2026 & CRL.M.A. 35911/2026

MD. IRFAN .....Petitioner

Through: Mr. Manoj V George, Mr. Mohd. Adeel, Ms. Shilpa Liza George, Advocates.

versus

DR. ABDUL AZIZ ANSARI .....Respondent

Through: Mr. Sarfaraz Hussain and Mr. Affan Husain, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 20.11.2026

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assails the order dated 24th October, 2026, passed by the Judicial Magistrate First Class (NI Act)-08, Saket Courts, Delhi, in CC NI Act No. 4470/2023, whereby the Petitioner's application under Section 311 of the Code of Criminal Procedure, 1973, seeking recall of the order dated 8th August, 2026 closing his defence evidence, was dismissed with costs of INR 5,000/-.

2. Counsel for the Respondent submits that the Petitioner was afforded sufficient opportunities to lead defence evidence and that, on 8th August, 2026, the Petitioner himself made a statement before the Trial Court that he did not wish to lead any evidence. He submits that the Petitioner cannot now

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seek to reopen his defence without accounting for the delay caused. Nevertheless, with a view to facilitating the expeditious conclusion of the proceedings, he submits that if this Court is inclined to grant the Petitioner another opportunity, the same ought to be subject to substantial costs, particularly considering that the cheques forming the subject matter of the complaint aggregate to INR 1.10 crore.

3. Counsel for the Petitioner expresses willingness to bear costs for being afforded another opportunity to lead defence evidence, but requests that the amount be fixed reasonably by this Court.

4. Having considered the submissions of the parties, and without expressing any opinion on the merits of the underlying complaint, this Court is inclined to afford the Petitioner one final opportunity to lead defence evidence, subject to payment of costs and strict adherence to the schedule fixed by the Trial Court. Accordingly, the present petition is allowed on the following terms:

a. The order dated 8th August, 2026, closing the Petitioner's defence evidence, and the subsequent order dated 24th October, 2026, rejecting his application for reopening the same, are set aside.

b. The Petitioner shall pay costs of INR 75,000/- to the Respondent on account of the delay occasioned in the proceedings.

c. The Petitioner shall be permitted to lead defence evidence, which, as undertaken by his counsel, shall be restricted to the examination of two witnesses, namely, Mohd. Talha and Firoz.

d. Counsel for the Petitioner undertakes that no adjournment shall be sought on the dates fixed by the Trial Court for recording the defence evidence.

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e. The Trial Court shall endeavour to record the defence evidence expeditiously and shall not grant any unwarranted adjournments for this purpose.

5. With the aforesaid directions, the petition stands disposed of.

SANJEEV NARULA, J

NOVEMBER 20, 2026/as

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