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

+ **CRL.M.C. 1431/2026 & CRL.M.As. 5725-26/2026**

VIJAY BANSAL

.....Petitioner

Through: Mr. Vishal Sharma, Advocate
(Through VC)

versus

IDEAL FLAVOUR FOODS PVT. LTD.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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19.02.2026

CRL.M.A. 5727/2026 (*Delay 85 days in re-filing*)

1. By virtue of the present application, the petitioner seeks condonation of delay of 85 days in re-filing of the present petition.
2. For the reasons stated in the present application, the same is allowed and the delay of 85 days in re-filing of the present petition is condoned.
3. The application is disposed of.

CRL.M.C. 1431/2026

4. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner seeks setting aside of the impugned order dated 04.08.2025, passed by the learned Additional Sessions Judge (05), East, Karkardooma District Courts, Delhi (***learned Trial Court***), in CR No.290/2024 and grant one last opportunity to cross-examine the respondent herein, which was closed by the aforesaid order.
5. At the very outset, learned counsel for petitioner submits that due to the erstwhile counsel representing the petitioner herein before the learned Trial Court, although the entire cost imposed for cross-examining the respondent herein *vide* order dated 31.05.2024 was paid, however, when



the cross-examination was scheduled, i.e., on 05.07.2025, the erstwhile counsel failed to appear before the learned Trial Court to conduct the same. Thus, the right to cross-examine the witness *vide* impugned order 04.08.2025 was closed.

6. Considering the factual matrix of the present case, as the erstwhile counsel for the petitioner had moved an application under *Section 311* of the Code of Criminal Procedure, 1973 seeking recall of the witness, subsequent to the order dated 01.07.2024 when the matter was fixed for cross-examination, stating that he was required to travel to Meerut for his mother's medical treatment, and despite that the erstwhile counsel failed to take any steps on 05.07.2025, and further that the petitioner cannot be condemned unheard, in view of the aforesaid, the issuance of notice is dispensed with and as a last and final opportunity the impugned order dated 04.08.2025 is set aside and the petitioner's right to cross-examine the respondent is hereby restored, subject to cross-examine maximum on two dates without any adjournment and further subject to the petitioner paying a costs of Rs.20,000/- (*Rupees Twenty Thousand Only*) to the learned counsel for respondent within a period of *two weeks*.

7. Accordingly, the present petition is allowed in terms of the aforesaid and the pending application(s) is also disposed of in terms of the aforesaid.

SAURABH BANERJEE, J

FEBRUARY 19, 2026/NA