**HIGH COURT OF JUDICATURE FOR RAJASTHAN**
**BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 7496/2026
CNR: RJHC021109992026 | URN: CRLMP / 18404U / 2026

Saurabh Jain @ Saurabh Chhabra S/o Shri Kailashchand Jain, R/o 2-B-12 Vishwakarma Colony Shastri Nagar Jaipur Currently Working At Moti Sons Tower, S-B-110 Sawai Mansingh Road, Opposite Nagar Nigam Office, Tonk Road, Lalkothi, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Smt. Sangeeta Khunteta W/o Shri Chandraprakash Khunteta, R/o House No.16, Shankar Vihar, Benad Road, Jaipur Rajasthan. ----Respondents

---

| | | |
|---|---|---|
| For Petitioner(s) | : | Mr. Rajendra Prasad Gautam |
| For Respondent(s) | : | Ms. Arti Sharma, P.P. |

---

**HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**
**Order**

**23/11/2026**

**1**. The instant Criminal Misc. Petition under Section 528 of BNSS has been filed on behalf of the petitioner assailing the order dated 01.10.2026 passed by the learned Special Judicial Magistrate (N.I. Act Cases) No.9, Jaipur Metropolitan-II in Criminal Case No.22262/2023 (main case No.234/2023), whereby the learned trial Court dismissed the application under Section 311 of Cr.P.C., filed by the petitioner for recalling the complainant for her cross-examination.

**2**. Learned counsel for the petitioner submits that for just decision of the case, the cross-examination of the complainant is very essential and if prayer of the petitioner is not accepted and cross-examination of the complainant is not allowed to be conducted, the petitioner would not be able to defend his case

Digitally signed by
DANISH USMANI
Date: 2026.11.26
16:36:19 IST

properly and serious prejudice would be caused to him. He therefore, prays that in the interest of justice, the petitioner may be given one opportunity to cross-examine the complainant.

**3**. Having regard to the overall facts and circumstances of the case; considering the submissions made by learned counsel for the parties and in the interest of justice, the petitioner is given one last opportunity to cross-examine the complainant subject to payment of cost to the said complainant.

**4**. Accordingly, the instant Criminal Misc. petition is allowed and the impugned order dated 01.10.2026 is hereby quashed and set aside. The petitioner is granted one last opportunity to cross-examine the complainant subject to payment of cost of Rs.21,000/- to the complainant before the learned trial Court. The trial Court shall fix a date in the matter for the purpose of cross-examination of the aforesaid complainant by the petitioner and shall summon the said complainant accordingly. On that date, the petitioner shall make payment of cost to the complainant.

**5**. It is made clear that only one opportunity shall be given to the petitioner for the purpose of cross-examination of the complainant. In case, the petitioner do not make the payment of the cost to the complainant or fails to complete the cross-examination in one chance, as directed above, the present order shall lose its efficacy.

**6**. This Court is cautious of the fact that the present order has been passed without affording an opportunity of hearing to the respondent/complainant, while keeping in mind that it may result in further delay in culmination of trial. If the

respondent/complainant is dissatisfied with the present order or does not accept the cost imposed upon the petitioner by this Court, she would be at liberty to seek recall of this Court and in that eventuality, the learned trial Court shall not pass the final verdict.

**7**. Considering the fact that the case has been pending since 2023 and upon acceptance of cost by the complainant as imposed by this order upon the petitioner, learned trial Court is requested to expedite the trial and make all endeavors to conclude the trial preferably within a period of six months from the date of receipt of certified copy of this order, if there is no legal impediment in continuation of the proceedings.

**8**. Stay Application and pending application, if any, stand disposed of.

**9**. The petitioner is directed to place a copy of this order before the trial Court for necessary compliance.

(ANIL KUMAR UPMAN),J

Crt_11/D-A/15/DANISH