

CNR No.DLST01-002252-2025

Cr Rev No.58/2025

Vishal Sharma Vs. Fincap Financial Corp. Ltd.

23.05.2026

**Present:- Ms. Akanksha Sisodiya, Ld. Counsel for the
Revisionist.**

Sh. Mayank Sapre, Ld. Counsel for the Respondent

Heard. Perused.

Requisitioned Trial Court record seen and perused.

Revision petition was filed by the Revisionist /
accused impugning the order dated 23.01.2025 of Magisterial
Trial Court for closing the right of the Revisionist / accused to
cross examine the complainant witnesses ; CW1, the complainant
and CW2.

Despite opportunities reply was not filed by the
Respondent / complainant to the revision petition.

True that in the trial before the Magisterial Trial
Court, Revisionist as accused through Counsel availed several
opportunities for cross examination of witnesses of complainant
and even imposed costs were earlier not paid ; but fact remains
that in the pendency of this revision petition ; the costs imposed
by the Magisterial Trial Court have been paid for Revisionist /
accused by Ld. Counsel for the revisionist to the Counsel for the
Respondent / complainant ; which is admitted by Ld. Counsel for
Respondent / complainant to have been so paid.

It is also the fact of the matter that the case before
the Trial Court is more than 5 years old case ; needing
expeditious adjudication and it is already delayed.

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Ld. Counsel for the revisionist *inter alia* relied upon ***order dated 21.04.2025 of Hon'ble Mr. Justice Sanjeev Narula in Crl. M.C. 6387/2019 and Crl. M.A. 42437/2019 titled M/s. ICICI Bank Ltd. Vs. M/s. Revolution Clothing Pvt. Ltd. & Ors.*** Para 8 of the aforesaid precedent reads as follows :

“8. At the same time, a fair trial is the most essential element of the criminal justice system. The right to cross-examine a material defence witness is not a mere formality, and denying that right, particularly to a complainant who has initiated and pursued the proceedings in good faith, can materially prejudice the case. The Court must balance the delay caused against the prejudice that may result from outright denial of such opportunity.”

It is own fault of the Revisionist / accused for not cross examining the witnesses of the Complainant before the Magisterial Trial Court on the opportunities granted by the Magisterial Trial Court.

Fact remains that, in view of the afore elicited law laid by Hon'ble High Court of Delhi ; since cross examination of material witness(es) is essential element of criminal justice system ; it would be expedient in the interest of justice ; for fair trial of the case before Magisterial Trial Court ; atleast one opportunity is afforded to Revisionist / accused to cross examine

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the aforesaid witnesses of complainant ; on date being now fixed hereunder for such cross examination ; moreso, when in the course of hearing, the Counsel for the Respondent / complainant has graciously agreed, giving concession to the Ld. Counsel for the Revisionist / accused for said purpose of cross examination ; subject to reasonable costs.

In this fact of the matter, let aforesaid witnesses of complainant be cross examined by Revisionist / accused through Counsel of his choice on first call on 13.07.2026 ; now fixed, with consent of the Counsel for the parties in attendance, in presence of Revisionist / accused before Magisterial Trial Court ; subject to payment of cost of Rs.3,000/- in 10 days hereof by Revisionist / Counsel to Respondent / Counsel against receipt.

It is made clear that in case the Trial Court is not having sufficient time to conclude the cross examination of aforesaid witness(es) of complainant by Revisionist / accused on aforesaid fixed date of hearing ; the Trial Court will be at liberty to fix any other date of hearing for said purpose as per roster of Trial Court ; for which, of course, Revisionist / accused shall be duty bound to procure the presence of Counsel of his choice on said date of hearing, also to conclude the cross examination of witnesses of Respondent / complainant left over to be cross examined.

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In above terms, **the revision petition stands disposed.**

A copy of this order along with Trial Court record be
sent back to the Ld. Trial Court.

Revision file be consigned to Record room.

(Gurvinder Pal Singh)
Principal District & Sessions Judge (South)
Saket Courts, New Delhi (ab)