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

+ CRL.M.C. 9411/2024, CRL.M.A. 36084/2024 &
CRL.M.A. 36085/2024

MONIKA SINGH BHANDARIPetitioner

Through: Mr. Bhupender Sharma,
Dr. Anurag Bhardwaj, Mr.
Ankit Attray & Ms.
Ananya Paliwal,
Advocates.

versus

STATE SHO DWARKA & ANR.Respondents

Through: Mr. Naresh Kumar
Chahar, APP for the State.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **09.12.2024**

1. The present petition is filed challenging the order dated 18.10.2024 passed by the learned Additional Sessions Judge ('ASJ')/Special Judge, NDPS-01, Dwarka Courts (South-West), New Delhi, pursuant to which the petition filed by the petitioner under Section 397 of the CrPC was dismissed.
2. The petitioner had challenged the order dated 04.01.2024 before the learned Court of Sessions by way of a petition filed under Section 397 of the CrPC.
3. The learned Metropolitan Magistrate ('MM'), by order dated 04.01.2024, had closed the opportunity of the petitioner to cross-examine the complainant in a complaint filed by the respondent under Section 138 of the Negotiable Instruments Act,



1881.

4. The petitioner had filed an application under Section 311 of the CrPC for recalling of the order dated 04.01.2024 and for cross-examination of the complainant which was dismissed by the learned MM, by order dated 11.01.2024, holding that the application has been filed to delay the trial.

5. The learned ASJ, by impugned order, dismissed the petition filed by the petitioner under Section 397 of the CrPC, holding that the order under Section 311 of the CrPC is an interlocutory in nature and is not revisable.

6. The learned counsel for the petitioner submits that the only reason for closing the right to cross-examine is that the petitioner has not been diligent in pursuing the matter.

7. He submits that the petitioner has explained the reasons for his non-appearance on some occasions.

8. He submits that the petitioner even otherwise is willing to reasonably compensate the complainant for the delay caused.

9. He, lastly, contends that the matter is still at the stage of defence evidence and no prejudice would be caused if one day is fixed for completing the cross-examination of the complainant.

10. Issue notice.

11. Notice be served, through all permissible modes, returnable on 13.01.2025.

AMIT MAHAJAN, J

DECEMBER 9, 2024

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