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

+ CRL.M.C. 8327/2025 and CRL.M.A. 34747/2025 and
CRL.M.A. 34748/2025

SHAILESH KUMAR RAIPetitioner
Through: Mr. Neeraj Sharma, Adv.

versus

MANGE RAM TYAGIRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **21.11.2025**

CRL.M.A. 34747/2025

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 8327/2025 and CRL.M.A. 34748/2025

3. By way of present petition, the impugned order dated 31.10.2025 has been assailed by the petitioner whereby the petitioner's application under Section 311 Cr.P.C was dismissed.
4. Mr. Neeraj Sharma, learned counsel appearing on behalf of the petitioner submits that the petitioner was afforded two opportunities to cross examine the complainant witness i.e. 16.12.2024 and 29.04.2025, but the accused was not available on both the said dates on account of his illness.
5. He submits that the petitioner/accused had brought this fact on record by placing medical records of the petitioner/accused, which were not appreciated by the learned JMFC (NI Act-07) Central, Tis Hazari Courts.



6. He submits that the petitioner/accused requires only one opportunity to cross examine the complainant's witnesses. He further contends that the cross examination is essential for the just decision of the case.
7. In that view of the matter, issue notice to the respondents by all permissible modes returnable on 02.03.2026.
8. In the meanwhile, learned Trial Court is requested to defer the proceedings of the complaint after the next date fixed before this Court.

VIKAS MAHAJAN, J

NOVEMBER 21, 2025/neha