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

CNR No. DLHC011021622025

+ **CRL.M.C. 8991/2025**

ZEESHAN ZAMA KHAN

.....Petitioner

Through: Mr. Abhay Mani Tripathi, Mr.
Misbah Bin Tariq, Advocates.

versus

KADEER AHMED

.....Respondent

Through: Mr. Nitish Chaudhary, Mr.
Vaibhav Kaul, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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06.08.2026

CRL.M.A. 23438/2026 (for early hearing)

By way of the present application, the petitioner seeks early hearing of the captioned petition.

Having regard to the reasons stated in the application, and with the consent of Mr. Abhay Mani Tripathi, learned counsel for the respondent, the application is allowed. Accordingly, CRL.M.C. 8991/2025 is taken up for hearing.

The application accordingly stands disposed of.

CRL.M.C. 8991/2025

1. The petitioner has filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], assailing orders



dated 05.08.2025 and 16.10.2025 passed by the learned Magistrate in Complaint Case No. 4614/2019, instituted by the respondent under Section 138 of the Negotiable Instruments Act, 1881. By order dated 05.08.2025, while disposing of an application filed by the petitioner under Section 311 of the Code of Criminal Procedure, 1973 [“CrPC”], the learned Magistrate closed the petitioner’s right to cross-examine CW-1 (the complainant). Aggrieved thereby, the petitioner filed an application under Section 348 of BNSS, seeking recall of CW-1 for the purpose of cross-examination. The said application was dismissed by the learned Magistrate *vide* order dated 16.10.2025.

2. I have heard learned counsel for the parties. During the course of hearing, the parties have arrived at a consensus, on the basis of which the present petition can be disposed of. The consensus is in the following terms:

- a) The impugned orders dated 05.08.2025 and 16.10.2025, insofar as they close the petitioner’s right to cross-examine CW-1, are set aside.
- b) CW-1 shall remain present before the learned Trial Court on the next date of hearing, i.e. 14.08.2026, on which date learned counsel for the petitioner shall be afforded an opportunity to continue and conclude the cross-examination of CW-1.
- c) Learned counsel for the petitioner, undertakes that the cross-examination of CW-1 shall be concluded within a maximum period of two hours. Subject to the convenience of the learned Trial Court, the cross-examination shall be concluded on 14.08.2026 itself or on such other date as the learned Trial Court may deem appropriate.



- d) It is made clear that, in the event the petitioner fails to conduct the cross-examination in terms of the aforesaid undertaking, it shall be open to the learned Trial Court to close the petitioner's right to further cross-examine CW-1, in accordance with law.
 - e) It is noted that the matter is otherwise at the stage of final arguments. Upon the conclusion of the cross-examination of CW-1, the learned Trial Court shall proceed with the matter at the stage of final arguments.
 - f) The aforesaid directions are subject to the petitioner paying costs of Rs. 50,000/- to the respondent. The said costs shall be paid on the next date of hearing before the learned Trial Court.
3. The petition, alongwith pending application, is disposed of in terms of the above submissions.
4. It is made clear that this Court has not expressed any opinion on the merits of the case. All rights and contentions of the parties are kept open to be urged before the learned Trial Court, in accordance with law.
5. Next date of hearing already fixed, i.e. 30.09.2026, stands cancelled.

PRATEEK JALAN, J

AUGUST 6, 2026

"B"/SD/