

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.6256/2016

Lala Ram S/o Late Shri Ram Chandra Dhanka, R/o Naya Bagrana, Agra Road, Tehsil Jaipur, District Jaipur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan Through P.P.
2. Prahlad Raigar S/o Shri Bhagwan Sahai Raigar, R/o Village Naya Bagrana, Post Kanota, Agra Road, Tehsil And District Jaipur, Rajasthan.

-----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP Mr. Shubham Sain

JUSTICE ANOOP KUMAR DHAND

Order

20/04/2026

1. By way of filing the present criminal misc. petition, a challenge has been led to the impugned order dated 23.02.2015 passed by the Special Metropolitan Magistrate (N.I. Act Cases), No.17, Jaipur Metropolitan, Jaipur by which an application submitted by the accused-petitioner for granting him an opportunity to cross-examine the complainant has been rejected.
2. No one has put in appearance on behalf of the petitioner.
3. Looking to the fact that the matter is lying pending before this Court since 2016 and more than 10 years have already been passed thereafter, this Court deems it just and proper to look into the contents of the instant petition and the documents annexed therewith, which indicate that the petitioner is facing trial for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in Criminal Complaint No.306/2012 before

the concerned Court. It appears that the complainant submitted his evidence affidavit before the Court below on 14.06.2013 and thereafter the case was posted for his cross-examination by the accused-petitioner. When the aforesaid opportunity was not availed by him, his opportunity to cross-examine the complainant was closed on 29.11.2014. It also appears that in absence thereof, certain documents were exhibited and the case was posted for recording the evidence of the accused under Section 313 Cr.P.C.

4. At this stage, an objection was taken by the petitioner for removing the aforesaid documents from the record, which were exhibited during the course of examination-in-chief of the complainant. The aforesaid prayer of the petitioner was declined by the Court below by passing the order impugned.

5. Looking to the factual aspect of the matter, it can be rightly said that once the documents have been exhibited during the course of examination-in-chief of the complainant and when no objection was taken in this regard at the relevant time and when the case is posted for recording the statements of the accused, then at this stage, the petitioner is not entitled to get any kind of relief. The court below has not committed any error in passing the order impugned, which warrants any interference of this Court.

6. Accordingly, the instant criminal misc. petition is found to be devoid of any merit and the same is liable to be and is hereby rejected.

7. Stay application as well as all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J