

## Ritesh Jindal & Anr vs Kanta Devi on 14 February, 2019

**Author: Chander Shekhar**

**Bench: Chander Shekhar**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.M.C. 782/2019 & CRL.M.A. 3175/2019  
RITESH JINDAL & ANR ..... Petitioners  
Through: Mr. Dhan Mohan, Ms. Tanu B.  
Mishra, Mr. Ravi Mishra & Ms.  
Harkamal Jeet Kaur,  
Advocates

versus

KANTA DEVI ..... Respondent  
Through: Respondent in person  
CORAM:  
HON'BLE MR. JUSTICE CHANDER SHEKHAR  
ORDER

% 14.02.2019

1. The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr. PC) against the order dated 29.1.2019 passed by the learned Metropolitan Magistrate, Karkardooma Courts, New Delhi under Section 138 of the Negotiable Instruments Act, 1881 titled Kanta Devi v. Ritesh Jindal & Ors.. The petitioners have prayed for the quashing of the order dated 29.1.2019, whereby the application under Section 311 of the Cr. PC has been dismissed with cost of Rs.2,000/- by the learned Metropolitan Magistrate and for allowing the application filed by the petitioner under Section 311, Cr.PC for recalling of CW-3, R.K. Sagar for cross-examination.

2. Respondent, who is present in Court, submitted that, just to cut short the delay, the prayer of the petitioners to recall CW- 3, R.K. Sagar for cross-examination may be allowed, subject to heavy costs.

3. Accordingly, in view of the cause submitted by the petitioner and no objection of the respondent, the impugned order dated 29.1.2019 is set aside. The petitioners are granted one opportunity to cross-examine CW-3, R.K. Sagar, subject to costs of Rs.8,000/-, to be paid by the petitioners to the respondent before the Trial Court.

4. It is stated that the matter is fixed before the Trial Court today itself. The Trial Court shall fix a date for the purpose of cross-examination of CW-3, who shall be summoned by the petitioners themselves, on taking steps within two days, after a date for cross-examination of CW-3 is fixed by the Trial Court. It is clarified that only one opportunity is granted to the petitioners to cross-examine CW-3 and no adjournment on any ground whatsoever shall be granted to the

petitioners under any circumstances.

5. The petition is disposed of in above terms. Pending application is also disposed of.

Dasti.

CHANDER SHEKHAR, J FEBRUARY 14, 2019 tp