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

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Date of Decision: 09th April, 2026

+ CRL.M.C. 2645/2026 & CRL.M.A. 10750/2026
LAXMI

.....Petitioner

Through: Mr. Nikhil Chauhan, Advocate.

versus

PRAHLAD CHAND

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is facing trial for committing offence under Section 138 of *Negotiable Instruments Act, 1881*.
2. The complaint in question is of the year 2022 and the cheque amount is Rs.52,125/-.
3. The statement of accused has already been recorded under Section 313 of *Code of Criminal Procedure, 1973* (Cr.P.C.).
4. The petitioner herein had filed an application under Section 311 Cr.P.C. for re-calling of the complainant and is aggrieved by the dismissal of his such application.
5. This Court has gone through the impugned order dated 10.02.2026. The counsel for the accused had, merely, claimed before the learned Trial Court that it was on account of ill-advice of her previous counsel and also on account of the fact that she was unable to understand the legal language of the



Court that there was no cross-examination of the complainant and, therefore, sought permission to re-call the complainant for cross-examination.

6. The abovesaid order would also indicate that the right of the accused to cross-examine the complainant was closed on 06.07.2024, after giving various opportunities. Order dated 06.07.2024, copy of which has been enclosed, would also indicate that the accused had not even furnished her bail bonds despite multiple opportunities and when she was given opportunity to cross-examine the complainant on 03.04.2024 and, thereafter, on 20.05.2024, she did not avail any such opportunity, for the reasons best known to her.

7. To make the things worse, copies of orders dated 03.04.2024 and 20.05.2024 have not even been attached with the present petition. So much so, copy of application filed under Section 311 Cr.P.C. has also not been annexed.

8. When asked, learned counsel for the petitioner submitted that they were engaged in the abovesaid matter in January, 2025 and when they inspected the matter, they realized and found that the cross-examination of the complainant was imperative.

9. Interestingly, despite there being a specific order to the petitioner/accused to deposit *interim compensation* i.e. 20% of the cheque amount, the abovesaid direction has yet not been complied with and the learned Trial Court is compelled to issue process under Section 421 read with Section 431 Cr.P.C. by using *Warrants of Attachment*.

10. Thus, the petitioner is interested in delaying the matter, on one pretext or the other.

11. Moreover, mere change in the counsel would not give any such right or handle to the new counsel to file any such application and to get the entire



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case re-opened and start *de-novo*.

12. Be that as it may, keeping in mind the fact that the cheque in question pertains to a small amount and also on account of total inaction on part of the petitioner, this Court does not find any compelling reason to allow the abovesaid request, at such a belated stage.

13. In view of the above, finding no merit or substance in the present petition, the same is, dismissed.

14. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

APRIL 9, 2026/ss/sa