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

% ***Date of Decision: 10<sup>th</sup> February, 2026***

+ CRL.M.C. 1144/2026 & CRL.M.A.4553/2026 & CRL.M.A.  
4554/2026

KUSUM ROADWAYS .....Petitioner

Through: Mr. Y.S. Chauhan with Ms. Hinu  
Mahajan, Mr. Divyanhu and Mrs. A.S.  
Gahlot, Advocates.

versus

HEMKUND FILL AND DRIVE & ANR. ....Respondents

Through: Mr. Rishab Garg, Advocate  
(through V.C.)

+ CRL.M.C. 1145/2026& CRL.M.A. 4555/2026& CRL.M.A.  
4556/2026

KUSUM ROADWAYS .....Petitioner

Through: Mr. Y.S. Chauhan with Ms. Hinu  
Mahajan, Mr. Divyanhu and Mrs. A.S.  
Gahlot, Advocates.

versus

HEMKUND FILL AND DRIVE .....Respondent

Through: Mr. Rishab Garg, Advocate  
(through V.C.)

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The issue raised in both the petitions is similar and, therefore, both these matters have been taken up together.
2. Two separate complaints were filed against *M/s Kusum Roadways* for commission of offence under Section 138 read with Section 141 of



*Negotiable Instrument Act, 1881.*

3. The complainant is *M/s Hemkund Fill and Drive*.

4. The grievance of the petitioner i.e. accused, is merely to the effect that when his right to cross-examine the complainant had been closed on 18.08.2025, he filed an application in this regard before the learned Trial Court. Such application was dismissed on 09.09.2025. A Revision was filed before the learned Court of Sessions but it was also dismissed on 15.11.2025.

5. Such orders are under challenge.

6. According to learned counsel for the petitioner, if the testimony of the complainant goes un-rebutted, it would cause serious prejudice to his defence and the outcome of both the complaints would be, virtually, a *fate accompli*.

7. Learned counsel for the petitioner was requested to get in touch with learned counsel for the respondent/complainant and Sh. Rishab Garg, learned counsel for the respondent/complainant has, now, joined the proceedings through *video-conferencing*.

8. Learned counsel for the respondent/complainant, on instructions, leaves it to this Court to pass appropriate orders. He, however, submits that if the Court is inclined to grant one opportunity, let it be a final one and subject to imposition of heavy cost. He also submits that even the previous cost of Rs.5,000/- imposed in each case is also unpaid.

9. Learned counsel for the petitioner submits that the next date before the learned Trial Court is 13.02.2026 and it will be ensured that if authorized representative of the respondent/complainant appears on that date, he would be cross-examined then and there.

10. Learned counsel for respondent/complainant submits that as per instructions, such authorized representative would appear on said date.



11. In view of the above, and with the consent of learned counsel for the parties, both the petitions are disposed of with direction that the accused in both the abovesaid complaints i.e. CC No.8469/2022 and CC No.2280/2022, would be permitted to cross-examine Dr. Abhishek Saxena, the authorized representative of the respondent/complainant on 13<sup>th</sup> instant.

12. It is, however, clarified that the petitioner/accused would be entitled to only one, *albeit*, effective opportunity in this regard. This would, however, be subject to the condition that on said date, the unpaid cost of Rs.5,000/- in each case is also cleared and, simultaneously, the petitioner i.e. accused pays further costs of Rs.10,000/-, in each case, to the complainant before start of the cross-examination.

13. Both the petitions stand disposed of in aforesaid terms.

14. Pending applications also stand disposed of.

15. Copy of the order be given *dasti* under signatures of Court Master.

**(MANOJ JAIN)**  
**JUDGE**

**FEBRUARY 10, 2026/st/pb**