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

% ***Date of Decision: 14<sup>th</sup> May, 2026***

+ CRL.REV.P.(NI) 94/2026 & CRL.M.A. 9653-9654/2026 &  
CRL.M.A. 15264/2026

RAKESH R PANDEY

.....Petitioner

Through: Mr. Umesh K. Burnwal and Mr.  
Waqar A. Khan, Advocates.

versus

RAVI AND SINGH COMMUNICATION

.....Respondent

Through: Mr. Rishi Raj Sharma and Mr. Subash  
Chand, Advocates.

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+ CRL.REV.P.(NI) 95/2026 & CRL.M.A. 9655-9656/2026 &  
CRL.M.A. 15265/2026

M/S TECHRINA TELECOM

.....Petitioner

Through: Mr. Umesh K. Burnwal and Mr.  
Waqar A. Khan, Advocates.

versus

RAVI AND SINGH COMMUNICATION

.....Respondent

Through: Mr. Rishi Raj Sharma and Mr. Subash  
Chand, Advocates.

**CORAM:**

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

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

1. Both the petitions being connected are taken up together.
2. The petitioner herein is defending two separate complaints filed by same respondent for commission of offence under Section 138 of *Negotiable Instruments Act, 1881* ('NI Act').



3. The cheque, in each of the complaint, is of Rs.4 lacs.
4. Both such complaints are, presently, at the stage of final arguments.
5. Petitioner-accused moved an application under Section 311 Cr.P.C. praying for cross-examination of the complainant, claiming that due to some inadvertence and negligence on the part of previous counsel, the complainant could not be cross-examined and if he is not permitted to cross-examine the complainant, it would amount to denial of fair trial.
6. Fact, however, remains that keeping in mind the lax approach of the petitioner-accused, the learned Trial Court refused to allow such application of the petitioner while observing as under: -

*"6. In the present case, perusal of the case reveals that the conduct of accused has been dilatory and right of accused to cross examine CWI was closed after giving multiple opportunities to accused. Further, right of the accused to lead DE was also closed after giving ample opportunities to the accused. Accused even refused to pay cost of Rs. 5,000/- subject to which accused was given one last opportunity to lead DE. The conduct of the accused clearly shows that he is deliberately trying to delay the present matter. No new fact or evidence have come in the knowledge of the accused but he only trying to undo the consequences of his own negligence by filing the present application. Power u/s 311 Cr.P.C must be invoked only in order to meet the ends of justice, for strong and valid reasons, and the same must be exercised with great caution and circumspection. The accused has not made out any valid reason as to why he fails to cross examine the complainan (sic) when multiple opportunities were granted to him and therefore, considering the repeated conduct of the accused, the aforesaid application is dismissed and disposed of accordingly."*

7. Manifestly, the petitioner is himself responsible for his miseries.
8. His conduct is found to be completely sluggish and lackluster. The same can also be deciphered from the observations made in order dated 28.01.2026 whereby his revision petition was dismissed by learned Sessions Court. Reference, in particular, be made to para numbers 12 to 18. The



abovesaid revision was filed because his right to lead evidence in defence was closed.

9. Learned counsel for the petitioner requests for adopting humanitarian approach and submits that only one effective opportunity may be granted and he would not seek any further indulgence and he would not even seek any opportunity to lead evidence in defence and would address final arguments, once the complainant is cross-examined by him.

10. Learned counsel for the respondent appears on advance notice and submits that there is no merit in the present two petitions and the sole endeavour of the petitioner is to linger on the matters, on one pretext or the other. He submits that the complaints were filed way back in the year 2020 and the right to cross-examine was closed on 25.11.2024 and the impugned order dated 17.02.2026 does not call for any interference as after considering the dilatory tactics adopted by the accused, no indulgence was granted to him.

11. However, at the same time, this Court is not oblivious of the fact that if the testimony of the complainant goes unrebutted, the outcome is *fate-accompli* particularly when there is no defence evidence on record, either.

12. Undoubtedly, cross-examination is an integral and indispensable component of a fair trial. The opportunity to cross-examine a witness enables the accused to test the credibility and veracity of witness and to bring out facts which may not have emerged during examination-in-chief. Denial of such opportunity can cause grave prejudice. However, at the same time, petitioner cannot cry foul as he himself had been negligent in defending the matters. Moreover, there is no point in, now, attempting to malign his previous counsel, that too behind his back.



13. During course of the arguments, learned counsel for the respondent/complainant was asked whether one last opportunity can be afforded to him on strict conditions and, he, in all fairness, *albeit* without prejudice to his rights and contentions, submitted that he would have no objection if one last and final opportunity is granted to the petitioner subject to imposition of heavy cost. He insists for heavy cost also for the reason that earlier when the cost was imposed upon him, he refused to pay the same. He submits that the petitioner should also make it absolutely clear that thereafter, he would not seek any adjournment and would not seek any opportunity to lead his evidence in defence and would address final arguments, as per the date(s) fixed in this regard by the learned Trial Court.

14. Learned counsel for the petitioner, on instructions, submits that he would have no objection to the abovesaid proposal.

15. In view of the above, without going deeper into the facts of the case and keeping in mind the gracious concession given by the learned counsel for the respondent/complainant, both the petitions are allowed to the extent that the petitioner is granted one last and final opportunity to cross-examine the complainant on the next date of hearing before the learned Trial Court which is stated to be 28<sup>th</sup> instant.

16. On said date, the petitioner would make payment of cost of Rs.25,000/- for each case to the complainant and on payment of such cost, if it is convenient, as per the board of the learned Trial Court, the defence would cross-examine the complainant, same day. It would also be wrapped up same day.

17. As undertaken, the petitioner would not seek any opportunity for leading any defence evidence, particularly when his revision has already



been dismissed by Sessions, which order has attained finality as it has not been further assailed.

18. It is also made clear that no request for adjournment or grant of more time for clearance of cost from the side of petitioner shall be entertainable.

19. Both the present petitions stand disposed of, in aforesaid terms.

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

**MAY 14, 2026/ss/sk**