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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 16th July, 2026*

+ CRL.M.C. 4927/2026 & CRL.M.A. 20665/2026 & CRL.M.A. 20668/2026

KAMLESH KUMAR

.....Petitioner

Through: Mr. Chandra Shekhar Yadav,
Advocate.

versus

M/S MICROTEK INTERNATIONAL PVT LTDRespondent

Through: Mr. Harish, AR.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The point involved in the present petition is a very short one.
2. Petitioner herein is facing trial in a criminal complaint filed under Section 138 of *Negotiable Instruments Act, 1881*. The complaint was instituted in the year 2021 and is, presently, at the stage of final arguments.
3. The cheque is of Rs. 16,90,742/-.
4. A bare perusal of the record placed before the Court would indicate that there is no cross-examination of Mr. Harish, *Authorized Representative* of complainant-M/S Microtek International Pvt. Ltd.
5. When an application was moved under Section 311 *Code of Criminal Procedure, (Cr.P.C.), 1973* before the learned Trial Court with the prayer to grant one opportunity to cross-examine the complainant, such application was dismissed by the learned Magisterial Court on 11.05.2026.
6. Revision Petition filed by the petitioner also did not yield any result and it is in the abovesaid backdrop that the present petition has been filed under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023* with the prayer that one opportunity may be granted to the petitioner to



cross-examine the complainant. The aspect regarding leading further evidence in defence has not been pressed during course of arguments.

7. Quite clearly, the petitioner himself is responsible for his miseries as he, at the earlier available opportunity, did not cross-examine the abovesaid witness of the complainant-Company.

8. Mr. Harish has joined the proceedings through *video-conferencing*.

9. It is apprised that the case is now fixed for final arguments before the learned Trial Court for tomorrow i.e. 17.07.2026.

10. Undoubtedly, if the testimony of the complainant, in a matter like this goes un-rebutted and uncontroverted, the outcome is, virtually, a *fait-accompli* and keeping in mind the overall facts of the case and after taking requisite inputs from the *Authorized Representative* of respondent-Company, the present petition is disposed of with the following directions:-

- I. The petitioner is permitted to cross-examine Mr. Harish.
 - II. He would, however, be entitled to only one effective opportunity.
 - III. It will be entirely up to the learned Trial Court to assess whether such cross-examination can take place tomorrow itself, provided that both the sides are duly represented before it. Else, the Court would give a date for said purpose, after ascertaining availability of witness concerned.
 - IV. The cross-examination is subject to payment of cost of Rs. 30,000/- to the complainant and also with the condition that if there is any unpaid cost, the same is also cleared.
12. Petition stands disposed of in aforesaid terms.



13. Pending applications also stand disposed of.
14. A copy of this order be given dasti under the signatures of the Court Master.
15. A copy of this order be sent to learned Trial Court for information and due compliance.

(MANOJ JAIN)
JUDGE

JULY 16, 2026/sw/sa