



CNR: KAHC010026132022

NC: 2026:KHC:49826
CRL.P No. 506 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.506 OF 2022

BETWEEN:

SRI S B DADAPEER
S/O B R SHEIKH BUDEN
AGED ABOUT 38 YEARS
OFFICE AT NEW STAR BEDDING HOUSE
KURLAN STORE ROOM
NO.559, 1ST MAIN
YESHWANTHAPUR
BANGALORE-560022

...PETITIONER

(BY SRI. SHIVA KUMARA K S, ADVOCATE)

AND:

SRI B ANUP
S/O LATE NARAYANA DAS
AGED ABOUT 55 YEARS
OCC: AGRICULTURIST
R/AT SUMSKRITHI
MADAPPA COMPOUND
NEAR RANGAIAHNA BAGILU
CHITRADURGA

...RESPONDENT

(BY SRI V B SIDDARAMAIAH, ADVOCATE)

Digitally signed
by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA



THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ORDER DATED 02.12.2021 PASSED ON I.A. FILED U/S 311 OF CR.P.C. FOR RECALLING OF DW1 FOR FURTHER CHIEF BY PRL. SENIOR CIVIL JUDGE AND CJM, CHITRADURGA AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This petition is filed praying this Court to quash the order dated 02.12.2021 passed on IA filed under Section 311 of Cr.P.C for recalling of DW1 for his further chief.

2. This matter is listed for admission. Heard the learned counsel appearing for the respective parties.

3. On perusal of the material on record, it discloses that the application under Section 311 of Cr.P.C was filed before the Trial Court to recall DW1 for further chief examination for the purpose of marking of documents. The Trial



Court having considered the material on record comes to the conclusion that the accused in his chief examination has not referred these documents and he is having a habit of filing successive applications and also taken note that the summary procedure shall be adopted while dealing with the offence under Section 138 of N.I. Act and rejected the application.

4. The said order is challenged before this Court in 2022 and this Court granted the stay. Almost after 4 years, the matter is listed before this Court for the first time. The offence is under Section 138 of N.I. Act. The counsel for the respondent would submit that when the matter was posted for arguments, only with an intention to drag the proceedings, the application was filed for recalling of DW1 for further chief examination.

5. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, it discloses that the cheque bounce case was filed in 2018 and the application was filed in 2021. Almost after 4 years also the petitioner/accused has not completed his further chief examination and when the case was posted for arguments, at that juncture, the application was filed for



further chief of DW1. The Trial Court rejected the said application only on the ground that it is nothing but an abuse of process and filing of said application is protracting the proceedings.

6. Having taken note of the fact that this matter is of the year 2018 and application was filed in 2021 and Trial Court also has not given an opportunity to lead further chief evidence to the accused and rejected the application filed under Section 311 of Cr.P.C only on the ground that with an intention to protract the proceedings, the present application is filed. Hence, this Court is of the opinion that the Trial Court ought to have given the opportunity to DW1 to lead further chief evidence. This Court can direct Trial Court to dispose of the matter within a time bound period and also can direct the petitioner to pay cost of Rs.5,000/- before the Trial Court in respect of causing of delay is concerned. Hence, IA filed for further chief of DW1 is allowed to give an opportunity to substantiate his defence.

7. In view of the discussions made above, I pass the following:



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ORDER

- (i) The petition is allowed.
- (ii) The order dated 02.12.2021 passed on IA filed under Section 311 f Cr.P.C is set aside and allowed the said I.A.
- (iii) The petitioner is directed to pay the cost of Rs.5,000/- to the respondent/complainant before the Trial Court on the very next date of hearing and payment of cost is condition precedent to proceed in the matter.
- (iv) The petitioner is directed to lead his further chief examination on the next date of hearing itself without fail and also directed to subject for cross-examination on the date fixed by the Trial Court without fail.
- (v) The counsel for the respondent/complainant is directed to cross examine the accused on the very day as fixed by the Trial Court or within a short period of within one week in case, if he needs time to cross examine DW1.



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(vi) The Trial Court is directed to dispose of the matter within a period of two months after completion of the evidence since this petition is filed in the year 2018 and almost 8 years has been elapsed.

Sd/-
(H.P.SANDESH)
JUDGE

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