



CNR: KAHC010336662026

NC: 2026:KHC:44704
CRL.P No. 7112 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 7112 OF 2026

BETWEEN:

1. SRI. C. UPENDRA
S/O C.K. CHANNEGOWDA
AGED ABOUT 73 YEARS
R/AT CKC MANSION, VRIKSHA SAI
AADHYA APARTMENT, FLAT NO. T3
NO.402, 5TH MAIN, JAYALAKSHMIPURAM
MYSURU - 570 012.

...PETITIONER

(BY SRI. MAHESH .K.H, ADVOCATE)

AND:

1. SRI. DR. N.T. YADURAJU
S/O K.R.T GOWDA
AGED ABOUT 72 YEARS
R/AT FLAT NO.4E, PARAMOUNT PRIME APARTMENTS
JAWA MAIN ROAD, YADAVGIRI
MYSURU - 570 012.

...RESPONDENT

(BY SRI. A.S. VISHWAJITH, ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO SET ASIDE THE ORDER DATED 24.04.2026 PASSED ON APPLICATION U/S 311 OF CR.PC 1973 IN C.C.NO.429/2022 ON THE FILE OF THE PRL.CIVIL JUDGE AND J.M.F.C MYSURU AND ETC.



NC: 2026:KHC:44704
CRL.P No. 7112 of 2026

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

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioner is before the Court calling in question the order dated 24.04.2026 passed by the concerned Court, which rejects the application filed under Section 311 of the Cr.P.C seeking cross-examination of the complainant - P.W.1.

2. The petitioner is the accused and the respondent is the complainant. The parties had entered into a transaction. The transaction leads the accused to issue a cheque for a sum of Rs.70,00,000/- in furtherance of the said transaction. The cheque, when presented, gets dishonoured. The dishonour of the cheque leads the complainant to approach the concerned Court by invoking Section 200 of the Cr.P.C alleging commission of an offence punishable under Section 138 of the Negotiable Instruments Act. The issue in the *lis* is not with regard to



CNR: KAHC010336662026

NC: 2026:KHC:44704
CRL.P No. 7112 of 2026

the merits of the matter, but is confined to the application filed by the petitioner-accused seeking cross-examination of the complainant. The said application is said to have been filed after a lapse of one year from the date of recording of the examination-in-chief of the complainant. Therefore, the concerned Court rejected the application. It is the rejection of the said application that has driven the petitioner - accused to approach this Court in the subject petition.

3. The learned counsel appearing for the petitioner would vehemently contend that there is no cross-examination of the complainant at all in the case at hand. Therefore, the proceedings cannot go on in a case where there is no cross examination permitted even. The learned counsel would further submit that cross examination is ostensibly not permitted *inter-alia* on the ground that the petitioner has failed to comply with the direction to deposit the amount under Section 143A of the



CNR: KAHC010336662026

**NC: 2026:KHC:44704
CRL.P No. 7112 of 2026**

Negotiable Instruments Act. On all these scores, the learned counsel submits that an opportunity to cross examine be permitted to the petitioner.

4. The learned counsel for the complainant, on the other hand, would refute the submissions made on behalf of the petitioner and support the order that is passed by the concerned Court. The learned counsel would, however, leave the matter to the discretion of this Court. He would only submit that the proceedings be directed to be concluded within a time-bound manner, as the proceedings have gone on for the last four years.

5. I have given my anxious consideration to the submissions made and have carefully perused the material on record. The afore narrated facts are not in dispute. The fact that the petitioner has not been permitted to cross-examine the complainant is also a matter of record. The reason for not permitting the petitioner to cross-examine the complainant, *inter-alia*, as could be gathered from the



CNR: KAHC010336662026

**NC: 2026:KHC:44704
CRL.P No. 7112 of 2026**

order, is that the petitioner has failed to deposit the amount as directed under Section 143A of the Negotiable Instruments Act.

6. It is settled principle of law that the right to cross-examine cannot be taken away on the score that the accused has not complied with the order under Section 143A of the Act, where deposit is not made. Right to cross-examine is always on a higher pedestal than an order of deposit that would be passed by the concerned Court for any other reason. The present petition deserves to succeed for the reason that this is not case where the petitioner is seeking a further cross-examination, rather, the petitioner is seeking an opportunity to cross-examine the complainant at the first instance. The proceedings cannot be concluded without affording the accused an opportunity to cross-examine the complainant.

7. In that light, I deem it appropriate to grant the petitioner an opportunity to cross-examine the



CNR: KAHC010336662026

complainant. Since the issue is of the year 2022, the concerned Court shall endeavour to conclude the proceedings within an outer limit of four months from the date of receipt of copy of the order in accordance with law.

8. For the aforesaid reasons, the following;

ORDER

- (i) Criminal Petition is allowed and the order dated 24.04.2026 stands quashed.
- (ii) The application filed by the petitioner seeking cross-examination of P.W.1 is allowed. The concerned Court shall fix a date for cross-examination and the petitioner shall endeavour to conclude the cross-examination on the date that is fixed by the concerned Court and the concerned Court shall regulate its procedure to conclude the proceedings within an outer limit of four months from the date of receipt of the copy of this order.



NC: 2026:KHC:44704
CRL.P No. 7112 of 2026

CNR: KAHC010336662026

(iii) All contentions other than the one
considered herein shall remain open.

(iv) Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NBM
List No.: 2 SI No.: 9