

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6340 of 2015

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner/Accused to set aside the orders dated 19.06.2015 in CrI.M.P.No.1174 of 2015 in C.C.No.43 of 2014 on the file of the XI Special Magistrate, Secunderabad, Hyderabad.

2. Heard the learned counsel for the petitioner/Accused in C.C.No.43 of 2014 outcome of a private complaint for the offence under Section of 138 of the Negotiable Instruments Act (for short, 'the Act') filed by the 1st respondent-defacto complainant and also the 2nd respondent-State as 1st respondent even served failed to attend, hence taken as herd to decide on merits and perused the material on record.

3.The impugned dismissal order of the learned Magistrate in CrI.M.P.No.1174 of 2015 dated 19.06.2015 filed under S

4. Having regard to the above, the Criminal Petition is allowed permitting the petitioner to recall of P.Ws. 1 to 3 subject to costs of Rs.3,000/- by the accused to the three witnesses. The petitioner is directed to deposit said Rs.3,000/- before the trial Court within one week from the date of receipt of the order and therefrom complainant shall besides appear himself, produce the other two witnesses (P.Ws.1 and 3) for cross-examination by the accused on the same day or on the date being fixed by the Court at its convenient and then to pay on their presence and facing cross-examination Rs.1,000/- each to the respective witnesses.

5. Consequently, miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date: 29.07.2015
Vvr

[\[1\]](#) 2012 AIR SC 2242