

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 1687 of 2015

ORDER

This Criminal Revision Case is filed challenging the correctness of the order dated 06.08.2015 passed in Cr.M.P.No.1403 of 2015 in C.C.No.839 of 2009 by the learned Judicial Magistrate of First Class, Huzurnagar, Nalgonda District.

2. Heard both sides and perused the material on record.
3. The petitioner/accused is facing trial for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in C.C.No.839 of 2009 on the file of Judicial Magistrate of First Class, Huzurnagar, Nalgonda District. The complainant was examined as P.W.1. At that stage, the petitioner/accused filed CrI.M.P.No.1403 of 2015 seeking to recall P.W.1 for further cross-examination. By the order impugned, the trial Court dismissed the said petition on the ground that the petition was filed to drag on the matter. Hence, the petitioner filed the present revision.
4. Learned counsel for the petitioner/accused submitted that an opportunity should be given to the petitioner for further cross-examination of P.W.1 and also to adduce his own evidence.
5. Considering the facts and circumstances of the case

and in order to give an opportunity to the petitioner/accused to place the entire evidence on record before the trial Court, it is felt necessary that the Criminal Revision Case is disposed of with the following directions;

The trial Court is directed to recall P.W.1 for further cross-examination and the petitioner/accused should complete the cross-examination of P.W.1 on the very first date of hearing to which the case is posted and on that day, the petitioner/accused shall pay the costs of Rs.1,000/- (Rupees one thousand only) to P.W.1.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M.S.K. JAISWAL, J.

20th August, 2015
sj