

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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CRIMINAL PETITION No.7507 of 2015

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Between:

K.Ramadevi

.. Petitioner/ accused

And

G.Madhusudhan Reddy & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 06-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA
RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7507 of 2014

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ORDER :

This Criminal Petition is filed by the petitioner/

accused under Section 482 Cr.P.C, seeking to quash the order passed in Crl.R.P. No.125 of 2014 on the file of Hon'ble Metropolitan Sessions Judge, at Hyderabad dated 09.06.2014 which is passed confirming the order passed in Memo in CC No.235 of 2012 on the file of Hon'ble IX Special Magistrate, Hyderabad.

2) Heard learned counsel for the petitioner/ accused as well as 1st respondent—State represented by learned Public prosecutor before admission and before ordering notice to 2nd respondent. Perused the material on record.

3) It is needless to say the accused filed Crl.M.P. No.74 of 2013 to receive documents for the purpose of marking on behalf of the accused in the private complaint case for dishonour of cheque under Section 138 of N.I Act in C.C. No.235 of 2012. Undisputedly, that petition was dismissed on 05.02.2013 as premature. It is subsequently in the cross examination of PW.1, the accused, who wanted to file documents in Crl.M.P. No.74 of 2013 which was dismissed as premature, confronted the same and those were brought on record.

4) A memo was filed to that effect on the date of PW.1's cross examination i.e., on 26.12.2013. It is for receiving the documents memo and the complainant filed a counter on 27.01.2014 and learned Magistrate passed a detailed order dated 12.02.2014 holding that the

documents were confronted in PW.1's cross examination on behalf of the accused which is not wrong under law, even the complainant preferred the CrI.R.P No.125 of 2014, the same was ended in dismissal by order dated 09.06.2014 which is now impugned herein.

5) Needless to say in a summons case either outcome of a private complaint and police report that was under Section 190 Cr.P.C by the learned Magistrate, the same procedure followed even in summary trial. Reading of Section 254 (2) Cr.P.C speaks any documents on behalf of the prosecution can be permitted to be received.

There is a specific provision therefrom. However for confronting a document in cross examination under Section 145 read with 155 (3) evidence Act for confronting no petition is required to bring on record whether admitted or not.

6) The course adopted by the accused is confrontation to PW.1 in cross examination and bringing on record the documents with memo. Thereby there is no illegality in the impugned order of the learned Magistrate much less in dismissing the same by the lower revision court.

7) Accordingly, the Criminal Petition is disposed of.

8) Miscellaneous petitions, if any pending, shall

stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.06.07.2015
Knl

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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