THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3180 of 2015

ORDER:

The petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 & 401 of the Code of Criminal Procedure being aggrieved by the order dated 27.11.2015 2015 passed in Crl.M.P.No.3481 of 2015 in New C.C.No.42 of 2015 by the XXV Special Magistrate, Hyderabad, whereby the learned Magistrate dismissed the application filed by petitioner.

Heard and perused the material available on record.

The petitioner is accused in CC No.42 of 2015 before the XXV Special Magistrate, Hyderabad. The brief facts of the case are that the petitioner borrowed an amount of Rs.20,00,000/- from the 1st respondent and when the 1st respondent asked for repayment, he gave two cheques. But, the said cheques were dishonoured when presented in the Bank. Hence, the 1st respondent filed a private complaint. When the matter was pending for cross-examination of the complainant (PW-1) after completion of his chief examination, the petitioner filed the present application before the Court below seeking to examine all the witnesses on behalf of PW.1 as he wanted to cross-examine PW.1, after completion of chief examination of all the witnesses on behalf of the prosecution.

Learned counsel for the petitioner submitted that 1st respondent stated in his chief examination that he gave the amount to the petitioner in the presence of witnesses in his house, therefore, unless the said witnesses are examined by the petitioner, he cannot cross-examine the 1st respondent because during the cross-examination of the 1st respondent his defence will be revealed and there is possibility of producing witnesses by the 1st respondent with a tainted version and

the petitioner may not be in a position to establish his case, and therefore, the petitioner may be permitted to cross-examine the 1st respondent after completion of the chief examination of all the witnesses produced by the 1st respondent.

Considering the above submissions of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The trial Court is directed to allow the petitioner to cross-examine the 1st respondent herein i.e. PW.1, after completion of chief examination of all the witnesses produced by PW.1 before the trial Court. The petitioner is also directed to cross-examine PW.1, and other witnesses produced by PW.1, after conclusion of the evidence adduced by PW.1, on the dates so fixed by the trial Court.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

_____

RAJA ELANGO, J

December 30, 2015
KTL