

**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.6853 OF 2015
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Between:

Devarapalli Suguna

.. Petitioner0

And

The State of Andhra Pradesh, rep., by its
Public Prosecutor, High Court of
Judicature at Hyderabad and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 30-07-2015

—
SUBMITTED FOR APPROVAL:

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

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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 |

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

CRIMINAL PETITION No.6853 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/accused, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the order dated 13.05.2015 in CrI.M.P.No.320 of 2015 in C.C.No.84 of 2015 (Old C.C.No.366 of 2013) on the file of the Principal Junior Civil Judge at Tiruvur, Krishna District.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

3. The petitioner is the accused and the 2nd respondent is the complainant in C.C.No.84 of 2015 (Old C.C.No.366 of 2013) filed under Section 138 of the Negotiable Instruments Act. The said case was posted for examination under Section 313 Cr.P.C. of the petitioner/accused and on 15.04.2015, the case was coming up for cross-examination of PW.1. But on that date, he was not cross-examined and his evidence was closed and posted for examination under Section 313 Cr.P.C.. Thereafter, the petitioner filed a petition to recall PW.1 and the same was subsequently allowed. But the petitioner/accused did not avail the said opportunity and once again further cross-examination of PW.1 was treated as 'Nil' and thereafter, the petitioner filed the present petition for the same relief.

4. It is submitted by the learned counsel appearing for the petitioner that even though the opportunity was given to the petitioner to cross-

examine PW.1, due to circumstances beyond her control she could not cross-examine PW.1.

5. In that view of the matter, this Court is of the opinion that one more opportunity is required to be given to the petitioner to cross-examine PW.1, however, subject to certain conditions.

6. In the result, the Criminal Petition is allowed and the trial Court is directed to fix a specific date for the purpose of cross-examination of PW.1 and on that day, the petitioner shall invariably cross-examine PW.1, failing which her right to cross-examine PW.1 is forfeited. The petitioner is further directed to pay costs of Rs.1,000/- (Rupees one thousand only) to PW.1 on the date when he appears for cross-examination.

7. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

M.S.K. JAISWAL, J

30.07.2015

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