

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.13508 of 2014

ORDER:

Petitioner is challenging the order dated 22.09.2014 in CrI.M.P.No.1414 of 2014 in C.C.No.883 of 2013 passed by learned XXIII Special Magistrate, Hyderabad whereunder the petition filed by the petitioner under Section 311 Cr.P.C. to recall PW1 for cross-examination was dismissed.

The submission of learned counsel for petitioner is that the cheque amount involved is Rs.5 lakhs and for establishing his defence in the case the petitioner has to necessarily cross-examine PW1 and therefore, an opportunity may be given to the petitioner to cross-examine PW1 by recalling him.

The order of the trial Court shows that despite granting several adjournments the accused did not choose to cross-examine PW1. Be that it may considering the fact that amount covered by two cheques is heavy i.e. Rs.5 lakhs and that accused in order to establish his case has to cross-examine PW1, this petition is allowed on terms in the interest of justice.

Accordingly, this petition is allowed and order dated 22.09.2014 in CrI.M.P.No.1414 of 2014 in C.C.No.883 of 2013 is set aside and learned XXIII Special Magistrate, Hyderabad is directed to recall PW1 for cross-examination by the accused on the conditions accused paying costs of Rs.500/- to the complainant and completing the cross-examination in a single day.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 22.01.2015

Note: Office to issue CC by Tuesday.

(b/o)

Murthy