

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

CRIMINAL PETITION No.7443 of 2015

Between:

Mahnandam Goud

... Petitioner

and

The State of Telangana, rep. by its Public Prosecutor and
another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 11-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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 Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION No.7443 of 2015

ORDER :

This Criminal Petition is filed by the Petitioner/Accused under Section 482 Cr.P.C seeking to quash the proceedings in CrI.R.P.No.209 of 2014 on the file of IV Additional District Judge, Ranga Reddy District at L.B.Nagar. The petitioner herein is the accused in C.C. No.211 of 2013 (old No.740 of 2011) presently on the file of learned I Special Magistrate, Rajendra Nagar which was filed by the 2nd respondent herein against the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act.

2) Heard the learned counsel for the petitioner and the 1st respondent-State represented by the Public Prosecutor before admission, before ordering notice to the 2nd respondent and perused the material on record.

3) In fact, the evidence of the complainant was closed by marking Exs.P-1 to P-5. After cross-examination by accused and it is after examination under Section 313 Cr.P.C on 09.09.2014 the accused came to the witness box as D.W-1 and filed his chief-examination affidavit on 27.10.2014 and he was cross-examined and after closure of his evidence, when the matter was coming up for evidence, without adducing further evidence, having taken three adjournments, he filed an application under Section 311

Cr.P.C. to reopen and permit further evidence to adduce as if the evidence was closed that was the sum and substance in dismissing the application by the learned Magistrate in CrI.M.P.No.1559 of 2014 in C.C. No.211 of 2013 on 20.11.2014. The petitioner/accused moved in revision against the order and obtained stay and it was for his absence and non-diligence ultimately ended in dismissal and vacation of the stay. He now moved this Court by invoking Section 482 Cr.P.C

4) Practically the matter is postponing from September/October, 2014 for further defence evidence and the present petition gives live to the litigation at the instance of the accused. As he wants to adduce further evidence, instead of admitting and granting stay of trial sought for, subserve the ends of Justice if petitioner permits to adduce further evidence.

5) Having regard to the above, the petition is disposed of by permitting the petitioner/accused to adduce any further evidence within one week from the date of receipt of this order subject to payment of costs of Rs.2,000/- to the complainant.

6) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.11th August, 2015
KSH