

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO
CRIMINAL PETITION Nos.2246, 2247, 2250 and 2251 of 2015

COMMON ORDER :

Heard learned counsel for the petitioner/ accused in C.C Nos.632 of 2008, 634 of 2008, 633 of 2008 and 635 of 2008 as well as learned counsel for respondents 1 and 2, which of the four calender cases are based on private complaint of de facto complainant, for dishonour of respective cheques said to have been issued by accused in favour of said complainant supra and for the dishonour of cheques the cause of action accrued from the private complaint filed and the learned Magistrate has taken cognizance after summoning and securing presence of accused put the parties to trial under Section 145 of N.I Act in the course of trial examination of PWs.1 to 4 and accused for 313 Cr.P.C examination dragged on the matter, as can be seen from the record para No.7 of the common order of the lower Court dated 23.02.2015 from May to November and thereafter on completion of 313 Cr.P.C examination having taken time for defence evidence and failed to adduce. It is there from the defence evidence closed and the matter is at the stage of arguments filed the present impugned petitions covered by CrI.P.M.P. Nos.573 to 576 of 2015 under Section 311 Cr.P.C to reopen the defence evidence and to permit the defence evidence that was ended in dismissal after contest from the record shunning the accused intentionally dragged on the matter as per the observation of the impugned common order of the lower Court herein from the respective hearing. Perused the material on record.

2) It is the fundamental principle of law with fair opportunity to the accused must be given, it does not mean accused can take any time and the Courts are helpless in that count. Lower Court cannot be find fault in closing after opportunities given earlier. However, as wants to come to witness box with no lapse of time instead of shunning in toto, to subserve the ends of justice. This Court feels just by invoking Section 482 Cr.P.C to set aside the common order passed in CrI.P.M.P. Nos.573

of 2015 in C.C. No.632 of 2008 and Batch and allow the Criminal Petitions subject to costs of Rs.1500/- in each of the four cases to be deposited within one week from the date of receipt of the order and to give evidence on the date being fixed by trial Court. The trial Court therefrom by recording the defence evidence, complete the trial process early as the cases are of 2008.

3) Accordingly, the Criminal Petitions are disposed of.

4) Miscellaneous petitions, if any pending in these Criminal Petitions, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt. 18.09.2015
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HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

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Crl.P. Nos.7689 of 2015 and 7693 of 2015

Date:18.09.2015

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