

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

CRIMINAL PETITION No.8000 of 2016

ORDER:

The criminal petition is filed against the order dated 13.05.2016 in CrI.M.P.No.1388/2016 in C.C.No.262/2015 on the file of the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, 2nd Floor, Pioneer House, Erramanzil, Somajiguda, Hyderabad, by and under which, the petition filed under Section 311 Cr.P.C. to recall DW 2 to examine as a witness on behalf of the petitioner/accused was dismissed.

Heard the learned counsel appearing for the petitioner.

The learned counsel appearing for the petitioner submits that DW 2 is material witness and his evidence is essential to prove the innocence of the petitioner.

The allegations levelled against the petitioner are for the offences punishable under sections 138 and 142 of Negotiable Instruments Act. The criminal jurisprudence requires sufficient opportunity to be afforded to the accused to put forth his defence. The learned Court below dismissed the application filed by the petitioner/accused under Section 311 having found that there are no merits.

In view of the facts and circumstances of the case and in view of the nature of offence, I feel that the petitioner/accused be given opportunity to examine DW 2 as a witness on his behalf, subject to following conditions;

- i) The petitioner/accused shall produce and examine his witness and complete the same on the day fixed by the Court below without seeking any further adjournment;
- ii) The petitioner/accused shall pay costs of Rs.2,000/-

(Rupees two thousand only) to the 2nd
respondent/complainant;

The Criminal Petition is accordingly disposed of.

Pending miscellaneous applications, if any, shall stand closed
in consequence.

M.S.K.JAISWAL,J

Date: 10.06.2016

Dsr

Note:

Furnish copy in two days

B/o

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