

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.17001 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the order dated 27-9-2016 in Criminal Revision Petition No.45 of 2016 passed by the IV Additional District and Sessions Judge, Visakhapatnam.

The petitioners filed a petition in CrI.R.P.No.45 of 2016 in C.C.No.486 of 2015 under Section 311 of Cr.P.C. to recall P.W.1 for the purpose of cross-examination alleging that rules of the society and regulations, manuals, and authorizations for collecting statements and sanction process, business transaction or working process and some other relevant documents which are necessary to bring the case of the petitioners-accused.

Respondent filed a private complaint against the petitioners for the offence punishable under Section 138 of the Negotiable Instruments Act and witness was examined in two spells but the reason assigned by the judge is that petitioners after verifying the cross-examination of P.W.1, came to know that the witness was not examined on certain aspects which are referred above. In the absence of any reason to cross examine petitioner, such petition cannot be allowed. The trial court dismissed the petition on the ground that sufficient opportunity was afforded to the petitioner to cross-examine the witness and the witness was cross-examined in two spells. The revisional court confirmed the order having found

no ground to interfere with it while exercising the powers under Section 397 of Cr.P.C. and while observing that the proceedings are being dragged without any reason.

In a judgment reported in *AG v. SHIV KUMAR YADAV AND ANOTHER* ⁽¹⁾, the Supreme court laid down certain guidelines, wherein it was observed that witnesses can be cross-examined but the reason assigned by the petitioners would not fall within anyone of the guidelines in *AG v. SHIV KUMAR YADAV AND ANOTHER* (1st cited).

Therefore, I find no ground to quash the orders impugned by exercising powers under Section 482 of Cr.P.C., and as such, this Criminal Petition is liable to be dismissed confirming the order passed by both the courts below.

In the result, this Criminal Petition is dismissed at the admission stage.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 22-12-2016.

Dvs.

¹ AIR 2015 SC 3501

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Dated 22-12-2016.

Dvs