

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3431 OF 2016

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ORDER:

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This petition is filed by the petitioner under Section 482 Cr.P.C. seeking to quash the order dated 17.2.2016 passed in CrI.M.P Nos.3250 and 3251 of 2015 in C.C.No.188 of 2014 by the X Special Magistrate, Hyderabad.

The petitioner is facing trial in the above C.C. for the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act. During the pendency of the above C.C., the petitioner filed the above two CrI.M.Ps seeking to reopen the evidence and to recall P.W.1 for further cross-examination in respect of documents-Exs.P12 to P17. The trial Court dismissed both the petitions with costs. Aggrieved by the same, the petitioner filed this petition.

Heard and perused the material available on record.

From the material on record and the order under challenge, it is clear that the petitioner has already cross examined P.W.1. Now, the petitioner filed the above petitions to reopen the evidence and to recall P.W.1 for further cross-examination in respect of documents Exs.P12 to P17.

Admittedly, the said documents viz., Exs.P12 to P17 were marked through D.W.1, who was called by the petitioner herein as defence witness in order to prove that there is no legally enforceable debt as on the date of issuance of the cheque in question. At the time of examining D.W.1, the Counsel for the petitioner has chosen to re-examine D.W.1. In the circumstances, the trial Court observed that no purpose will be served by recalling P.W.1 for the purpose of confronting the documents to P.W.1, which were issued by D.W.1.

Considering the observations made by the trial Court, this Court is of the view that the order under challenge is in accordance with law and it does not warrant any interference by this Court and therefore,

the petition is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Date : 15.3.2016

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DATED 15.3.2016

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