

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL PETITION No.3478 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in CrI.M.P.No.3532 of 2015 on the file of the X Special Magistrate, Hyderabad, arising out of offence under Section 138 of the Negotiable Instruments Act.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner has filed the application under Section 311 CrPC., to recall P.W.1 for marking certain documents and that the Court below erroneously dismissed the application. He further submits that in view of the changed circumstances, it is very much necessary to prove the case of the petitioner to recall P.W.1 for marking certain documents.

Considering the facts and circumstances of the case, the petitioner is directed to file fresh application seeking to recall P.W.1 to mark the documents and on such application being filed, the Court below is directed to allow the application on payment of costs of Rs.1,500/- (Rupees one thousand and five hundred only) to P.W.1 and also fix the date for examination of P.W.1 and the petitioner is directed to complete examination on the date so fixed by the Court below. If the petitioner fails to comply with the same, the Court below is at liberty to pass appropriate orders in accordance with law.

The Criminal Petition is accordingly disposed of. Consequently, the miscellaneous petitions filed in this criminal petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

16.03.2016
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