

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.97 of 2016 and Crl.R.C.No.339 of 2016

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COMMON ORDER

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Since both these revisions arise out of the common order, dated 06.10.2015 passed in Crl.M.P.Nos.2193 and 2194 of 2015 in S.T.C.No.31 of 2008 on the file of Additional Judicial Magistrate of First Class, Kadiri, they are being disposed of by this common order.

2. Heard and perused the material on record.

3. The petitioner/accused is involved in S.T.C.No.31 of 2008 on the file of Additional Judicial Magistrate of First Class, Kadiri, registered for the offence punishable under Section 138 of Negotiable Instruments Act, 1988. In the said case, trial was completed and the matter was posted for examination of accused under Section 313 Cr.P.C. At that stage, the petitioner/accused filed the impugned applications under Section 311 Cr.P.C. seeking to recall and reopen the evidence of P.W.1. By the common order impugned, the trial Court dismissed both the petitions. Challenging the same, the present revisions are filed.

4. The material on record shows that P.W.1 was examined at length in the year 2010. Thereafter, P.Ws.2 and 3 were examined. After completion of prosecution evidence, the matter was posted for examination of accused under Section 313 Cr.P.C. in the year 2011. Due to continuous absence of the petitioner/accused and

also on the ground of stay granted by this Court, the matter was adjourned from time to time. Subsequently, on the representation of the complainant that no stay was pending in S.T.C.No.31 of 2008, the trial Court posted the matter for examination of accused under Section 313 Cr.P.C., on 30.06.2015, at that stage, the petitioner filed the impugned applications. The trial Court having found that the petitioner was cross-examined at length in the year 2010 and was continuously absent before the Court dismissed the impugned applications. Therefore, this Court is of the view that the said applications were filed with an intention to drag on the matter and the trial Court has rightly dismissed the same by the order impugned and there is no need to interfere with by this Court.

5. Accordingly, both the Criminal Revision Cases are dismissed. Miscellaneous Petitions, if any, pending in these revisions shall stand dismissed.

JUSTICE RAJA ELANGO

19th January, 2016

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