

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.261 OF 2016

ORDER:

This Criminal Revision Case is filed challenging the order, dated 3.12.2015, in CrI.M.P.No.1895 of 2015 in C.C.No.701 of 2013 on the file of the 1st Special Magistrate at Hyderabad.

2. The petitioner was arrayed as an accused in C.C.No.701 of 2013 on the file of the 1st Special Magistrate, Hyderabad for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Pending C.C., respondent No.2/*de facto* complainant filed CrI.M.P.No.1895 of 2015 under Section 311 Cr.P.C. to reopen the evidence of P.W.1 for marking certified copies of I.P.No.20 of 2012, which was filed by the petitioner/accused before the Chief Judge, City Small Causes Court, Hyderabad, wherein the petitioner stated that she along with her husband obtained loan from respondent No.2/*de facto* complainant and her husband for their business. *Vide* impugned order, the trial Court allowed the said application. Challenging the same, the petitioner/accused filed the present Revision Case.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioner submitted that after completion of 313 Cr.P.C. examination and examination of D.Ws.1 and 2, the matter was posted for arguments and at that stage, respondent No.2 started filing applications to recall the witnesses for the purpose of marking the petition in I.P.No.20 of 2012 and that the learned Magistrate ought not to have entertained the application, as it was filed at a belated stage and there are no *bona fides* on the part of respondent No.2.

5. Learned counsel for respondent No.2 today informed that respondent No.2 is not insisting for reopening of the case and she is ready to proceed with the trial on the basis of the evidence available on record.

6. Considering the submissions made by the learned counsel for respondent No.2, the order, dated 3.12.2015, in CrI.M.P.No.1895 of 2015 in C.C.No.701 of 2013 on the file of the 1st Special Magistrate at Hyderabad is hereby set aside and the trial Court is directed to proceed and dispose of the case in accordance with law.

7. Accordingly, the Criminal Revision Case is allowed.

8. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

4.7.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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