

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.413 of 2016

ORDER

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The present criminal revision case is directed against the endorsement dated 25.01.2016 made by the learned XXIII Special Metropolitan Magistrate, Erramanzil, Hyderabad, in an un-numbered Crl.M.P.No. of 2016 in C.C.No.125 of 2015.

2. Heard and perused the material on record.

3. The petitioner/accused is involved in C.C.No.125 of 2015 on the file of XXIII Special Metropolitan Magistrate, Erramanzil, Hyderabad, registered for the offence punishable under Section 138 of Negotiable Instruments Act, 1881. He filed the impugned application for dismissal of the complaint stating that the second respondent/complainant is not a licensed money lender and he cannot maintain the complaint. By the order impugned, the said application was returned on the ground that the provision of law under which the application is filed has not been mentioned. Challenging the same, the present revision is filed.

4. After arguing some time, learned counsel for the petitioner confined his argument only to the extent of cross-examination of P.W.1, who is the complainant in C.C.No.125 of 2015. He submits that the earlier counsel could not able to cross-examine the complainant on various aspects even though the Division Bench of this Court while dismissing the PIL(SR) No.126243/2015 on 28.09.2015 directed the petitioner to raise all contentions in

defence in C.C.No.125 of 2015. Thus, he prays to give an opportunity to the petitioner to further cross-examine the complainant.

5. Considering the facts and circumstances of the case and in view of the nature of offence, this Court is of the view that an opportunity should be given to the petitioner to cross-examine the complainant. In view of the same, the petitioner is directed to file an application for further cross-examination of the complainant i.e., second respondent herein, and on filing such an application, the trial Court is directed to recall the second respondent and allow the petitioner to cross-examine the complainant by fixing a date. The petitioner shall pay costs of Rs.1,000/- (Rupees one thousand only) to the second respondent at the time of his examination before the trial Court.

6. With the above direction, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

12th February, 2016

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