

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4486 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the order, dated 10.03.2016, passed in CrI.M.P.No.3067 of 2016 in C.C.No.13 of 2015 on the file of the IV Special Magistrate at Hyderabad, whereby the Court below allowed the petition filed by the first respondent herein to recall P.W.1 for giving further evidence.

Heard and perused the material available on record.

The grievance of the petitioner herein is that though the Court below directed to file the income tax returns of the complainant, the complainant has filed the Statement of Affairs and the document submitted by the complainant is not the certified copy of the Income Tax Returns and as such, the same cannot be marked. He further submits that allowing the petition filed by the complainant is nothing but giving another chance for introducing evidence. Hence, the order impugned is liable to set aside.

This Court is of the view that the complainant wants to recall P.W.1 to establish the fact that the loan amount given to the petitioner is shown in the Statement of Accounts, for which he wants to examine himself and also to file the Statement of Affairs along with the Income Tax Returns. If it is the grievance of the petitioner herein that the documents filed is not the Income Tax Returns, and it is only Statement of Affairs, the petitioner is at liberty to raise the questions in the cross-examination and to dispute the document filed by the complainant. Hence, this Court is not inclined to interfere with the order passed by the Court below.

The Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

31.03.2016

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