

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3425 OF 2016

ORDER:

-

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. challenging the order dated 19.2.2016 passed in CrI.M.P.NO.367 of 2016 in C.C.No.461 of 2015 by the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Hyderabad.

The petitioner is facing trial in the above C.C. for the offence punishable under Section 138 of the Negotiable Instruments Act. During the pendency of the same, the petitioner filed the above CrI.M.P. under Section 311 Cr.P.C. seeking to recall P.W.1 for further cross-examination. It is the case of the petitioner that he intends to further cross-examine P.W.1 on certain documents, and by the date of earlier cross-examination of P.W.1, those documents were not available and therefore, he could not cross-examine P.W.1 earlier on those documents. The trial Court dismissed the above CrI.M.P. Hence, the petitioner approached this Court.

Heard and perused the material available on record.

In the order under challenge, the trial Court observed as follows:

“Admittedly, the complainant-P.W.1 was cross-examined by the petitioner/accused side twice and whatever he is intending to elicit, those facts were elicited. But now, he is again seeking for further cross-examination of P.W.1 on certain documents, which are not at all disclosed or described in the petition. If at all such crucial documents were in the possession of the petitioner/accused, he will get opportunity for producing his defence evidence after 313 Cr.P.C examination, as such in the said facts and circumstances, there are no merits to allow the petition.”

The above observations speak in volumes about the manner in which the petitioner herein dragged the proceedings before the trial Court. The petitioner had already cross-examined P.W.1 twice. Further, the trial Court observed that the petitioner is at liberty to produce the documents as defence evidence after examination under

Section 313 Cr.P.C. The petitioner has also not furnished the description of the documents. Considering the above observations of the trial Court, this Court is of the view that the order passed by the trial Court does not warrant any interference by this Court.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Date : 15.3.2016
Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-

-
-
-
-
-

CRIMINAL PETITION No.3425 OF 2016

DATED 15.3.2016

Nn