

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3100 of 2015

ORDER:

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This Criminal Revision Case is filed by the petitioner-complainant aggrieved by the order dated 15.10.2015 passed in CrI.M.P.No.2106 of 2015 in C.C. No.256 of 2015 on the file of the VI Special Magistrate, Hyderabad whereby the learned Magistrate dismissed the application filed by the complainant under Section 311 Cr.P.C. to recall P.W.1 for filing additional documents.

The main contention raised by the learned counsel for the petitioner is that at the time of filing the complaint, the petitioner has calculated the dates and events in a wrong manner and to rectify the same he filed the impugned application for filing additional documents and therefore, the dismissal of the same by the trial Court is erroneous.

Heard and perused the material available on record.

According to the petitioner-complainant, he wants to recall himself for marking a document alleged to have been executed on 31.3.2015 by the accused-first respondent herein admitting his liability. According to the petitioner, the said document is a letter given by the accused accepting his liability and also gave an undertaking that he would repay the cheque amount within a short period. Hence, according to the petitioner, to establish the liability and the admission made by the accused, he wants to recall himself to mark the said document.

Admittedly, cognizance of the offence in this case was taken on 16.4.2014 based on the cause of action arose out of deposit of cheque, return of the same followed by the statutory notice issued by the

petitioner and failure on the part of the accused to repay the said amount within the stipulated time. The alleged document now sought to be marked by the petitioner is dated 31.3.2015 i.e. subsequent to taking of cognizance of offence. As rightly observed by the trial Court, the document alleged to have been executed by the accused that too subsequent to taking of cognizance, is totally irrelevant and the same is not admissible in evidence before the trial Court. Hence, the impugned order passed by the trial Court does not suffer from any infirmities warranting interference by this Court.

In the result, the Criminal Revision Case fails and the same is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

27th January, 2016

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2110 of 2015

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