

This is a complaint filed under Section 138 of the Negotiable Instruments Act, 1881. The accused was given sufficient opportunity to cross examine the witnesses. Now, the accused has changed his counsel. The new counsel feels that the previous counsel failed to put certain material questions to the witnesses. If that is allowed that would mean that on change of every counsel, the witnesses will have to be recalled. The learned counsel for the petitioner has referred to the judgments of the Hon'ble Supreme Court in *Rajendra Prasad Versus The Narcotic Cell*

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through its Officer-in charge, Delhi, 1999 (3) RCR (Criminal) 440, U.T. of Dadra and Haveli and another Versus Fatehsinh Mohansinh Chauhan, 2006 (4) RCR (Criminal), 113 and P. Sanjeeva Rao Versus State of Andhra Pradesh, (2012) 7 Supreme Court Cases, 56.

All these judgments do not lay down a general rule that in every case, the witness should be recalled for cross examination. It is only to be done in the rare cases.

Hence, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

1.6.2016
sjks