

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7426 of 2017

ORDER:

The petitioners are the accused in C.C.No.69 of 2016 pending on the file of IV Special Magistrate, Hyderabad. It is for the offence punishable under Section 138 of the NI Act taken cognizance by the learned Magistrate outcome of the private complaint of the 1st respondent-complainant. It is during trial, PWs.1 to 3 were cross-examined and the impugned order dismissing recall of PWs.1 & 2 in CrI.M.P.No.1582 of 2017 dated 26.07.2017 also speaks the same, PW.1 cross examination was completed on 01.09.2016 by the learned counsel for the accused on record, cross examination of PW.2 was also completed on 18.01.2017 by the said counsel and which is long after that the petition for recall of PWs.1 & 2 filed after cross examination of PWs.1 to 3 and when the matter is coming for examination under Section 313 Cr.P.C. and there are no grounds to permit apart from the factum of making allegations against the earlier counsel will serve no purpose much less to invoke Section 311 Cr.P.C. to permit for further cross examination.

A perusal of the order of the Court no way requires practically interference, but for to say if not a case of no cross examination from the very say of certain crucial questions are not put to witness. Once such is the remedy is left open to file fresh application by mentioning in a sealed cover enclosed to the petition what are the questions to ask and how they are relevant for the further cross examination put to either to Pws.1 & 2 for the trial

Court to consider therefrom to invoke 2nd part of Section 311 Cr.P.C. if any.

Accordingly and in the result, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 24.10.2017
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