

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.718 OF 2017

ORDER:

Heard before admission and before notice to respondents.

2. The revision petitioner is the accused in C.C.No.239 of 2015 for the offence under Section 138 of Negotiable Instruments Act, maintained by the respondent/complainant and in the course of trial, evidence of both sides, it appears adduced and the matter is at the stage of arguments, the accused filed the application covered by the impugned order of the lower Court dated 03.03.2017 in CrI.M.P.No.354 of 2017, for recall of P.W.1 and to receive documents. The same was since dismissed, maintained the revision.

3. So far as receiving of documents is concerned, a separate application is to be filed under Section 254(2) Cr.P.C. Once the documents are received, the recall application is to be filed under Section 311 Cr.P.C. to confront P.W.1 with reference to the documents mainly in support of the so-called valuable defence of the accused that the cheque was not issued as alleged on 24.11.2014 but it is an old cheque of 2009 with anti-date, said to have been misused by the complainant.

4. Having regard to the above, this revision case is disposed of, giving liberty to the revision petitioner to file separate applications under Section 254(2) Cr.P.C. and then under Section 311 Cr.P.C., by showing the necessity of recall of P.W.1 to consider on merits.

5. Accordingly, the revision is disposed of. Miscellaneous petitions pending, if any, in this case shall stand closed.

DR.B.SIVA SANKARA RAO,J

20.03.2017
SS

