

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6791 of 2017

ORDER:

Heard learned counsel for the petitioners and also the learned Public Prosecutor, representing the 1<sup>st</sup> respondent – State, before ordering notice to the 2<sup>nd</sup> respondent and perused the impugned order of the lower court.

2. This is a case of 2011 for the offences punishable under Sections 138 and 142 of N.I.Act, pending before the trial court. The petition before the lower court is for recall of P.W.1 to put some questions with reference to Ex.P.4 and the lower court felt no justification to permit invoking Section 311 Cr.P.C. The petitioner could not even make out a case under 2<sup>nd</sup> part of Section 311 Cr.P.C. before this Court, even to sit in revision against the order.

3. Having regard to the above, instead of keeping the matter pending, this Court feels it just to dispose of the petition by directing the petitioners to file fresh application, within two days from the date of receipt of copy of this order, before the trial court by giving in a sealed cover what are the questions to be put to witness with reference to Ex.P.4, for

the Court to consider if at all justified invoking Section 311 part II Cr.P.C. r/w 165 Evidence Act, if at all to permit after hearing both sides.

4. Accordingly and with the above direction, this Criminal Petition is disposed of.

5. Pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE Dr. B.SIVA SANKARA RAO

Date: 04.08.2017

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