

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRIMINAL PETITION No.1337 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure (Cr.P.C.), is filed by the petitioner to quash the order dated 07.12.2016 passed by the Judicial First Class Magistrate, Railway Kodur, in CrI.M.P.No.1854 of 2016 in C.C.No.56 of 2015, whereby the petition filed by the 1st respondent herein under Section 311 Cr.P.C., to re-open the evidence of his side and to permit him to examine one C.Ramachandra Raju, was allowed on condition of payment of costs of Rs.500/- to the Bar Association.

The docket proceedings, dated 21.12.2016, of the Court below, which is filed in the material papers, show that on complying with the condition of payment of costs of Rs.500/- to the Bar Association, which was imposed in the impugned order, and the memo filed to that effect on 21.12.2016, the petition filed under Section 311 Cr.P.C stood allowed and the impugned order, in fact, came into effect on 21.12.2016.

An elaborate order was passed by the Court below in CrI.M.P.No.1854 of 2016 in C.C.No.56 of 2015 filed alleging the offence punishable under Section 138 of the Negotiable Instruments Act.

Sri Ch.Venkata Raman, learned counsel for the petitioner, would submit that when examination under Section 313 Cr.P.C. was completed, the Court below ought not to have entertained the petition filed under

Section 311 Cr.P.C to reopen the evidence of the 1st respondent herein and to permit him to examine C.Ramachandra Raju, who alleged to have executed a GPA in favour of the 1st respondent herein. Learned counsel for the petitioner would further submit that the said C.Ramachandra Raju is the original creditor who lent the amount to the petitioner herein and the petitioner said to have issued the cheque on 15.12.2014 for Rs.27,00,000/-.

Though, the submission of learned counsel for the petitioner is that there are no reasons assigned in the impugned order for allowing the petition filed under Section 311 Cr.P.C., the same appears to be not convincing. The Court below has given cogent reasons for allowing the petition and even dealt with the objection raised by the petitioner herein and allowed the petition on condition of payment of costs of Rs.500/-. The costs were paid on 21.12.2016. The present petition is filed on 13.02.2017 i.e., one month after the impugned order was passed, and even the condition imposed by the Court below was complied with. In fact, the only ground raised by the petitioner is that only to fill up the lacunae, the 1st respondent herein filed the petition under Section 311 Cr.P.C and the same was entertained without properly appreciating the stage at which it was filed.

The very fact that the petitioner coming forward after one month of passing the impugned order would stand adverse to his stand now

taken. Even the demands of justice when looked into, it is, certainly, a case where interference is not warranted.

Accordingly, the Criminal Petition is dismissed at the stage of admission itself.

Miscellaneous applications, if any pending in the present petition, stand closed.

JUSTICE A.SHANKAR NARAYANA

17.02.2017

v v

