

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5040 OF 2017

ORDER:

1 This petition is filed under Section 482 Cr.P.C to quash the order dated 05.05.2017 in C.C.No.135 of 2016 on the file of the Court of the XVI Special Magistrate, Hyderabad.

2 Heard both sides.

3 A perusal of the record reveals that the petitioners herein are facing trial in C.C.No.135 of 2016 on the file of the Court of the XVI Special Magistrate, Hyderabad, for the offence punishable under Section 138 of N.I. Act. A perusal of the record further reveals that the trial Court allowed the petition filed by the petitioners under Section 311 Cr.P.C. on 02.05.2017 with a direction to complete the cross examination of P.W.1 on 05.05.2017. For one reason or the other, the petitioners herein did not cross examine P.W.1 on 05.05.2017.

4 The learned counsel for the petitioners submitted that the counsel for the petitioners before the trial Court was out of the country, therefore, P.W.1 could not be cross examined.

5 The learned counsel for the second respondent submitted that the petitioners are dragging on the matter on one pretext or the other.

6 The fact remains that the trial Court allowed the petition filed by the petitioners under Section 311 Cr.P.C. for further cross examination P.W.1. Even if one more opportunity is given to the petitioners to cross examine P.W.1, no prejudice would be caused

to the second respondent. On the other hand, if no time limit is fixed, the possibility of dragging of the matter by the petitioners cannot be ruled out.

7 Taking into consideration the facts and circumstances of the case, the order of the trial Court dated 05.05.2017 in C.C.No.135 of 2016 is hereby set aside. The learned counsel for the petitioners submitted that the matter has been posted to 04.07.2017. In that view of the matter, the petitioners are hereby directed to complete the cross examination of P.W.1 on or before 07.07.2017, failing which, the trial Court is hereby directed to proceed with the matter in accordance with law.

8 With the above direction, the Criminal Petition is allowed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Date: 30th June, 2017

T. SUNIL CHOWDARY, J

***C.C. by 03.07.2017
B/o Kvsn***