

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(Cr.) No.597 of 2018**

Smt. Sarita Srivas W/o Late Ganesh Sriwas Aged About 50 Years R/o Bajrang Nagar, Amapara, Police Station - Saraswati Nagar, Raipur, District - Raipur, Chhattisgarh. --- (Accused), District : Raipur, Chhattisgarh

---- Petitioner**Versus**

Smt. Urvashi Thakur W/o Late Ramswaroop Thakur Aged About 66 Years R/o Shivaji Chowk, Maszid Road, Santoshi Nagar, Tikrapara, Police Station Tikrapara, Raipur, District - Raipur, Chhattisgarh. ----(Complainant), District : Raipur, Chhattisgarh

-----Respondent

For Petitioner:	Shri Shrawan Agrawal, Advocate.
For Respondent:	None.

Single Bench:Hon'ble Shri Sanjay Agrawal, J
Order On Board

23.10.2018

1. Heard on admission.
2. Shri Agrawal, learned Counsel for the Petitioner submits that the Petitioner has not been permitted to cross-examine the Complainant in a proper manner, therefore he may be permitted to do so. He further submits that the application which was filed under Section 340 of Cr.P.C has wrongly been decided by the trial Court vide order dated 09.07.2018 without registering separate M.J.C in this regard.
3. I have heard learned Counsel for the Petitioner and perused the entire relevant papers annexed with this Petition carefully.
4. A proceeding under the provisions prescribed under Section 138 of the Negotiable Instruments Act, 1882 has been initiated by the Respondent (Smt

Urvashi Thakur) wherein, the Petitioner was not provided proper opportunity to cross-examine the witnesses by the trial Court vide order dated 21.05.2018. A Revision was thereafter preferred against the said order and that by order dated 26.06.2018, the learned Revisional Court, while allowing the said Revision in part, had permitted the Petitioner to cross-examine the Complainant. The Complainant was accordingly examined on 11.07.2018 and a bare perusal of her examination would show that the Petitioner was provided sufficient and ample opportunity to examine the Complainant. Therefore, under such circumstances, the Petitioner cannot be permitted to cross-examine the Complainant again and again, particularly where the proceedings under the Act, 1882 are summary in nature, coupled with the order as passed by the Revisional Court on 26.06.2018. The contention of the learned Counsel for the Petitioner is therefore, liable to be and is hereby rejected in this regard.

5. Further contention of the Petitioner's Counsel regarding issuance of direction to trial Court in order to decide the application filed under Section 340 Cr.P.C is however noted to be rejected as the said application has already been considered and rejected by the trial Court vide its order dated 09.07.2018. Therefore, the remedy in order to assail the said order rejecting the application filed under Section 340 Cr.P.C lies somewhere else and no direction, as contended by the Petitioner's Counsel, could be made under the writ jurisdiction under such circumstances.

6. The Petition being devoid of merits is accordingly dismissed at the admission stage itself.

Sd/-
(Sanjay Agrawal)
JUDGE