

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 1673 OF 2010

ORDER:

Heard the learned counsel for the petitioner as well as respondent No.2.

2. The facts in brief are that respondent No.2 herein filed C.C.No.359 of 2009 against the petitioner for the offence under Section 138 of Negotiable Instruments Act. During the course of trial, respondent No.2 himself examined as PW1 and his cross-examination was completed. Thereafter, the petitioner herein sought adjournments on three different occasions to produce his defence evidence. At that stage, he filed CrI.M.P.No.2625 of 2010 under Section 311 of Cr.P.C. seeking recall of PW1 for further cross-examination. In the said petition, the petitioner has stated that all facts are not covered during the cross-examination by mistake, relating to the agreement dated 13.7.2007, sale-cum-GPA, EXs. P1 and P2 etc., The said petition was dismissed by orders dated 28.6.2010. Aggrieved by the same, the present Criminal Revision Case is filed.

3. Learned counsel for the petitioner would contend that one opportunity may be given to the petitioner to cross-

examine PW1 and seek clarifications as mentioned in the petition.

4. Learned counsel appearing for respondent No.2 supported the impugned order and brought to the notice of this Court that the petitioner has covered all the aspects while cross-examining PW1.

5. Having heard both the counsel and from the perusal of the material on record, more particularly, the impugned order, it is revealed that PW1 has been cross-examined by the petitioner at length whereunder he has elicited answers relating to sale-cum-GPA, promissory notes under Exs.P1 and P2, legal notice, etc., Learned Magistrate, while dismissing the petition, was pleased to observe that after the complainant's evidence, when the matter came up for defence evidence, the present petition was filed only for the purpose of dragging on the proceedings.

6. From the observation of the Court below and the contention of respondent No.2 that the present petition was filed only to drag on the proceedings, it is crystal clear that when the petitioner has already cross-examined PW1 at length covering all the aspects, there is no necessity to file the present petition to recall PW1. From this it appears that the intention of

the petitioner is only to drag on the proceedings as long as possible.

7. Therefore, this Court does not find any merit in the present Criminal Revision Case.

8. Accordingly, the Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

Date: 14.9.2018

KPM

P. KESHAVA RAO,J

