

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.4601 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the order dated 30.09.2016 in CrI.M.P. No.1815 of 2016 in C.C. No.671 of 2015 on the file of the I Additional Judicial Magistrate of First Class, Sattenapalli, which is confirmed by order dated 08.05.2017 in CrI.R.P. No.117 of 2016 by the Principal Sessions Judge, Guntur, and prayed this Court to order recall of P.W.1 to put some more relevant questions.

2. Heard the learned counsel for the petitioner-accused and the learned Assistant Public Prosecutor for respondent No.1-State, apart from perusing the material available on record.

3. The material on record reveals that C.C. No.671 of 2015 was filed for the offence under Section 138 of the Negotiable Instruments Act. The petitioner was given opportunities to cross-examine the witnesses. The Court of Sessions in CrI.R.P. No.117 of 2016, had elaborately dealt with the aspect that the number of opportunities given to the petitioner to recall P.W.1. Earlier similar application was allowed by the learned Magistrate. Though C.C. No.671 of 2015 was filed in the year 2015, the enquiry has not been completed. Both the Courts below have given several reasons in rejecting the request of the petitioner-accused. The findings of both the Courts below are based on record. There is no infirmity in the impugned orders. The petition is devoid of merit and it is liable to be dismissed.

4. Accordingly, this Criminal Petition is dismissed.
Miscellaneous petitions, if any pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 09-02-2018

siva

