

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.1517 of 2015

ORDER:

Heard Sri K. V. Subba Reddy, learned counsel appearing for petitioner, Sri B.V. Rama Rao, learned counsel for respondent No.2 and learned Additional Public Prosecutor for respondent No.1 and this Criminal Revision Case is disposed of at the admission stage with their consent.

2. This Criminal Revision Case is filed by the petitioner/accused aggrieved by the order dated 17.7.2015 in CrI.M.P.No. 1491 of 2015 in C.C.No. 425 of 2014, whereby and whereunder, the learned Special Magistrate, Vijayawada allowed the petition filed by the respondent/complainant under Section 311 Cr.P.C to reopen the case to enable him to adduce further evidence.

3. C.C.No. 425 of 2014 is a case under Section 138 of Negotiable Instruments Act, wherein, the respondent/complainant filed CrI.M.P.No. 1491 of 2015, under Section 311 Cr.P.C, seeking permission to adduce additional evidence. The petitioner/accused opposed the petition. However, by the impugned order, the Trial Court allowed the said petition.

4. The submission of the learned counsel for petitioner/accused is that in the reopen petition, despite the lack of clarity as to whom the respondent/complainant wanted to examine as additional witness, still the trial Court allowed the petition and therefore, the same is liable to be dismissed.

5. Per contra, the submission of learned counsel for respondent/complainant is that initially there was a move for compromise and therefore, he proposed no further evidence, but the compromise could not be fructified and in those circumstances he filed the petition to accord permission to adduce further evidence. He would submit that the respondent/complainant proposed to examine only one witness, i.e. the scribe of the pro-note dated 25.12.2009 namely, T. Sudhakar and except the said witness he has no other witness to examine and therefore, the Revision may be dismissed.

6. In view of the submission of the learned counsel for respondent that he proposed to examine only one witness i.e., the scribe of the pro-note and none other and as the petitioner/accused will have every right to cross-examine the said witness, and thereby, no prejudice will be caused to the petitioner/accused, the impugned order can be sustained.

7. Accordingly, this Criminal Revision Case is dismissed with the observation that the trial Court shall permit the respondent/complainant, to examine only one witness namely, T. Sudhakar, the scribe of the pro-note dated 25.12.2009 and none other and afford opportunity to the petitioner/accused to cross examine him. The entire exercise shall be completed within two weeks from the date of receipt of a copy of the order by the trial Court.

8. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.



U.DURGA PRASAD RAO, J

Date: 22.02.2018
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Note: Furnish copy by tomorrow