

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.456 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1 to quash the order dated 20.12.2018 passed in Cr.M.P.No.2754 of 2018 in C.C.No.100 of 2017 by the Special Magistrate-V, Erramanzil, Hyderabad, wherein the application to recall P.W.1 for further cross-examination was dismissed.

Heard the learned counsel for the petitioner/A.1, the learned Additional Public Prosecutor representing the 1st respondent/State, the learned counsel for the 2nd respondent/complainant and perused the record.

In the course of submissions, it is brought to the notice of this Court that four more copies of email and enclosures are required to be confronted with P.W.1 in cross-examination and those documents are material documents to find out the truth or otherwise of the subject cheques.

Learned counsel for the 2nd respondent/complainant did not oppose for recall of P.W.1.

It is contended on behalf of the 2nd respondent/complainant that one sitting is required to cross-examine P.W.1. It is also contended that further cross-examination shall be limited to the above issue and the relevant submissions and not beyond that.

Under these circumstances, the Criminal Petition is allowed setting aside the impugned order dated 20.12.2018

passed in Cr.M.P.No.2754 of 2018 in C.C.No.100 of 2017 by the Special Magistrate-V, Erramanzil, Hyderabad and P.W.1 is directed to recalled for further cross-examination for the limited extent as indicated above.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

DR. SHAMEEM AKTHER, J

Date: 26.02.2019
ssp

