

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.6546 of 2019

ORDER:

This petition is filed under Section 482 Cr.P.C., seeking to quash the order dated 30.08.2019 passed in CrI.M.P.No.1836 of 2019 in C.C.No.121 of 2019 by the learned IX Special Magistrate, Hasthinapuram, L.B.Nagar, Ranga Reddy District.

2. The 2nd respondent herein filed a private complaint against the petitioner/accused stating that the petitioner being successful bidder in the auction conducted on 25.06.2017 by the complainant chit fund company has paid only 6 instalments and failed to pay the remaining instalments, due to which, the complainant filed a case bearing ABR No.427 of 2018 before the Deputy Registrar of Chits/Arbitrator, Red Hills, Hyderabad, for a sum of Rs.9,73,650/- against the petitioner and his guarantors. Thereafter, the petitioner issued a cheque bearing No.996782 dated 22.10.2018 for a sum of Rs.3,00,000/- to the complainant, but, on presentation, it was returned for the reason 'funds insufficient'. Thus, the complainant filed the aforesaid case against the petitioner/accused for the offence under Section 138 of Negotiable Instruments Act, 1881. In the said case, trial was commenced and P.W.1 was cross-examined twice. At that stage, the petitioner filed a petition under Section 311 Cr.P.C. to recall P.W.1 for further cross-examination stating that he has to put some material and legal questions, which were not put by him due to oversight, to P.W.1 in his cross-examination. The said petition was dismissed by the trial Court vide order impugned.

3. A perusal of the order impugned would show that the petitioner/accused cross-examined P.W.1 twice by taking considerable time and thereafter, the trial Court closed the evidence and posted the matter for examination of the accused under Section 313 Cr.P.C., at that stage, the petitioner filed the impugned application stating that he has to put some material and legal questions, which were not put by him, due to oversight. However, he has not specifically stated those questions in his application. The trial Court while observing that as the petitioner cross-examined P.W.1 twice in all aspects and there is no new ground urged by him, has rightly dismissed the application. Therefore, I do not find any illegality in the order impugned warranting interference by this Court.

4. Hence, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this criminal petition, shall stand dismissed.

4th December, 2019

sj

G. SRI DEVI, J