

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.12215 of 2018

ORDER :

Heard learned counsel for the petitioner/accused and also learned counsel for respondent No.1/complainant and perused the impugned order of the learned Judicial Magistrate of First Class, Vemulawada in CrI.M.P.No.871 of 2018 in the pending C.C.No.433 of 2015, dated 15.10.2018 in dismissing the application of the petitioner/accused to summon the Bank Manager as part of the defence evidence.

The impugment in the grounds herein against dismissal order is that the learned Magistrate did not properly advert to the facts in dismissal of the petition mechanically ignoring the valuable right of the defence of the accused to be propounded through examination of the said witness from his evidence. Whereas it is the submission of learned counsel for the 1st respondent that the order is sustainable and there are no grounds to interfere with the order that too no practical purpose will be served by summoning and examining the bank Manager.

Heard and perused the material on record.

One of the contentions of learned counsel for the petitioner that it is his defence before the trial Court the cheque looted from his account bearing his signature, that it was not given to the complainant, but to somebody and somebody and the complainant out of their relation misused the cheque. For that if at all there are other witness and it is suggested to PW.1 cross examination besides the accused natural witness to speak the truth cause

examine them and not summoning of the Bank Manager to produce the bank account.

Having regard to the above, there is nothing to interfere with the impugned order, but for if at all after accused came to the witness box as defence witness and depose the facts, if at all there is in furtherance of that defence any requirement to summon any witness, the trial Court can consider and decide on its own merits.

With the above observation, the criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19.02.2019.
kvrn

