HC-KAR

NC: 2026:KHC:64842
CRL.P No. 2697 of 2024

CNR: KAHC010158192024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.2697 OF 2024

BETWEEN:

S. NARAYANA
S/O LATE NSRINIVAS
AGED ABOUT 52 YEARS
RESIDING AT NO.12
EDEN GARDEN, THALLI ROAD,
HOSUR, KRISHNAGIRI,
TAMIL NADU - 635 109

...PETITIONER

(BY SRI. B.S.VISHAL, ADVOCATE FOR
SRI. PRASANNA KUMAR P, ADVOCATE)

AND:

A.M.SRINIVAS PRASAD
S/O LATE MUNINARAYANAPPA
AGED ABOUT 69 YEARS
REISING AT NO.92
3RD MAIN, 4TH PHASE J P NAGAR
BENGALURU - 560 078

...RESPONDENT

(BY SRI. MAHESHA V, ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO QUASH THE IMPUGNED ORDER DATED 17.02.2024 IN C.C.NO.27329/2015 PASSED BY THE LEARNED XXII ADDL. CHIEF METROPOLITAN MAGISTRATE, BENGALURU CITY (PRODUCED VIDE ANNEXURE-'A' TO THE PETITION); AND PERMIT THE PETITIONER/ACCUSED TO FURTHER CROSS EXAMINE THE RESPONDENT/COMPLAINANT.

THIS PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In this petition, the petitioner/accused has challenged the order dated 17.02.2024 passed in C.C.No.27329/2015 by the XXII Addl. Chief Metropolitan Magistrate, Bangalore, (for short 'Trial Court'), whereby the Trial Court rejected the application filed by the petitioner/accused under Section 311 of Cr.P.C. with costs of Rs.500/-.

2. The brief facts of the case are, the respondent/complainant filed a private complaint against the petitioner/accused under Section 200 of Cr.P.C. for the offence punishable under Section 138 of Negotiable Instruments Act, for dishonour of cheque for a sum of Rs.20,00,000/-. After the proceedings, the Trial Court convicted the petitioner/accused vide judgment dated 09.06.2016. Against the said judgment, an appeal was preferred by the accused before the LXV Addl. City Civil and Sessions Judge, Bangalore City (for short 'First Appellate Court') in Crl.A.No.779/2016. The First Appellate Court, upon re-appreciation of the evidence on record, set

aside the judgment of conviction and order of sentence passed by the Trial Court and remitted back the matter to the Trial Court for fresh disposal by reserving liberty to the accused to lead defence evidence. Subsequently, on remand, the accused led his defence evidence.

3. During the course of cross-examination of DW.1, certain claims were put forth. As such, an application was filed by the accused under Section 311 for further cross-examination of PW.1 for that limited aspect. The said application was dismissed by the Trial Court on the ground that since the matter was remitted from the First Appellate Court is to provide a reasonable opportunity to the accused to lead evidence, the application cannot be allowed.

4. I have perused the impugned orders passed by the Trial Court and the First Appeal Court and the application so also the other documents made available on record.

5. No doubt, after the remand for the limited purpose by the First Appellate Court, the Trial Court has conducted the trial and during that course, the application was filed to clarify

the claim put forth by the complainant/respondent in the defence evidence. In such circumstance, in the interest of justice, in order ascertain the truth in the assertion made in the subsequent evidence, in my considered view, a final opportunity can be extended to the accused/petitioner to cross-examine PW.1-complainant subject to payment of costs of Rs.10,000/-. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed***.

ii. The order dated 17.02.2024 passed by XXII Addl. Chief Metropolitan Magistrate, Bangalore, in C.C.No.27329/2015, is set-aside.

iii. Consequently, the application filed by the petitioner/accused under Section 311 of Cr.P.C. before the Trial Court is allowed.

iv. The parties shall appear before the XXII Addl. Chief Metropolitan Magistrate, Bangalore on **09.12.2026** without any further notice.

v. Further it is made clear that on that day the accused/petitioner shall cross-examine PW.1 after payment of costs of Rs.10,000/-. Failing

which, the Trial Court shall proceed with the matter.

vi. Since the transaction is of the year 2015, the Trial Court is directed to dispose of the proceedings at the earliest within an outer limit of four (4) months.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 22