



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3457]**

**THURSDAY, THE THIRTEENTH DAY OF MARCH  
TWO THOUSAND AND TWENTY FIVE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**CRIMINAL PETITION NO: 7779/2024**

**Between:**

Yerramaneni Rathaiah

**...PETITIONER/ACCUSED**

**AND**

The State Of Andhra  
Pradesh and Others

**...RESPONDENT/COMPLAINANT(S)**

**Counsel for the Petitioner/accused:**

1.P MALLIKHARJUNA RAO

**Counsel for the Respondent/complainant(S):**

1.MADHAVA RAO NALLURI  
2.PUBLIC PROSECUTOR

**The Court made the following Order:**

1. The petitioner is challenging the order passed by the II Additional Judicial Magistrate of I Class, Ongole, in Crl.M.P.No.560 of 2024, in STC No.3180 of 2022.
2. The petitioner is an accused in STC No.3180 of 2022, on the file of the II Additional Judicial Magistrate of I Class, for the alleged offence under Section 138 of the NI Act. The petitioner filed a petition under Section 311 of the Cr.P.C for the recall of PW1 to confront the original promissory note.
3. The learned Magistrate, while dismissing the petition filed by the petitioner, observed that the promissory note was already marked as Ex.P5 and that the case had been posted for cross-examination on 20.11.2023. Despite several conditional orders, the petitioner failed to cross-examine PW1, and as such, the Court had closed the cross-examination of Ex.PW1 as nil.
4. It was also observed that the petitioner had filed an application under Section 311 of the Cr.P.C to recall PW1 for cross-examination, *vide* Crl.M.P.No.414 of 2024. The same was allowed, and the respondent/complainant was cross-examined at length with respect to all aspects of the promissory note and cheque, with Ex.D1 also being marked.

5. The learned Magistrate also noted that the present application filed under Section 311 of the Cr.P.C. to confront the original promissory note was not available on record before the Court, as it had been filed before the III Additional Junior Civil Judge, Ongole, in O.S.No.1215 of 2022.

6. The learned Magistrate dismissed the petition on the ground that it was filed merely to delay the proceedings of Court and further observed that the petitioner/accused had remained silent when Ex.P5 was marked. The Magistrate concluded that recalling PW1 would serve no purpose.

7. As per the report, PW1 was examined on 16.10.2023, and cross-examination of PW1 was conducted on 23.04.2024. It is informed that the case is now coming up for defense's evidence. At this stage, this Court finds no grounds to interfere in the well-considered order of the learned Magistrate.

8. Accordingly, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE HARINATH.N**

Date: 13.03.2025  
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**HONOURABLE SRI JUSTICE HARINATH.N**

**CRIMINAL PETITION No.7779 of 2024**  
Date: 13.03.2025

*NKA*