



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 1316 OF 2025

BETWEEN:

LOKESH S.
S/O. LATE S. SUBBACHAR,
AGED ABOUT 59 YEARS,
OCC TEACHER,
R/AT NO. 596/1,
RAJARAJESHWARI NAGARA,
BEML LAYOUT, 2ND STAGE,
MYSURU-570 022.

...PETITIONER

(BY SMT. POOJA KATTIMANI, ADVOCATE FOR
SRI. DINESHKUMAR K. RAO, ADVOCATE)

AND:

G M BASAVARAJ
S/O. G. MALLESHAPPA,
AGED ABOUT 62 YEARS,
OCC SUPER GRADE ELECTRICAL CONTRACTOR AND
AGRICULTURIST,
R/AT D. NO. 1846/38,
SHIRWAD, 1ST MAIN,
3RD CROSS, VINAYAKA BADAVANE,
VIDYANAGAR, DAVANAGERE - 577 005.

...RESPONDENT

(BY SRI. DWARESH R., ADVOCATE)



THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE IMPUGNED ORDER DATED 30.12.2024 PASSED BY THE III ADDL. AND SENIOR CIVIL JUDGE AND J.M.F.C DAVANAGERE IN C.C.NO.2788/2023 AND ALLOW THE APPLICATION FILED UNDER SEC.311 OF CR.PC AND 91 OF CR.PC FOR CROSS EXAMINATION OF PW1 I.A.NO.1/2025 FOR STAY I.A.NO.1/2025 FILED BY THE ADVOCATE FOR THE PETITIONER PRAYING TO STAY THE FURTHER PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.2788/2023 PENDING ON THE FILE OF III ADDL.AND SENIOR CIVIL JUDGE AND J.M.F.C DAVANAGERE FOR THE REASONS STATED THEREIN.OFFICE OBJECTIONS1.UP TO DATE PROCEEDINGS IN C.C.NO.2788/2023 TO BE FURNISHED.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

The application filed under Section 311 of Cr.P.C., seeking to recall PW.1/complainant for cross-examination and to direct him to produce the documents, counter foil of IDBI Bank, C.G. Hospital Road, Davanagere, respectively,



which was dismissed by the trial Court vide impugned order dated 30.12.2024 is under challenge in this petition.

2. The matter arises out of a proceeding initiated by the respondent / complainant, alleging an offence under Section 138 of the NI Act.

3. The material on record reveals that the complaint was filed on 25.10.2021. PW.1 filed his affidavit on 26.06.2023 and his cross-examination was conducted. Petitioner /accused took several adjournments to cross examine him. Thereafter, the matter was posted for arguments, at that stage, the aforementioned application came to be filed. The learned Magistrate has dismissed the application on the ground that the application is filed to dodge the proceedings.

4. The learned counsel appearing for the respondent submits that the said respondent has no objection if the application filed before the trial Court is



allowed and if accused is permitted to cross examine the complainant in a time bound manner.

5. PW.1 is not at all cross examined by the accused. In light of the submission now made by the respondent and to meet ends of justice, it is just and proper to permit the petitioner/accused to cross examine the complainant, however by imposing cost. Hence, the following:

ORDER

- i) Petition is ***allowed***.
- ii) Order dated 30.12.2024 passed by the learned III Addl. Sr. Civil Judge and JMFC, Davanagere in C.C.No.2788/2023 is set aside.
- iii) The application filed before the trial Court under Section 311 of Cr.P.C. is hereby allowed and petitioner/accused is permitted to cross-examine the respondent/complainant on the day fixed by the learned Magistrate, making



it clear that no further time shall be granted for cross-examination.

- iv) Petitioner shall pay cost of Rs.2,500/- (Rupees Two Thousand Five Hundred only) which shall be payable to respondent/complainant on the date of cross-examination.
- v) Considering that this case is of the year 2021 and the matter was posted for final arguments, learned Magistrate is directed to dispose of the case, as early as possible, not later than two months from the date of receipt of a copy of this order.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**