



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 6118 OF 2024

BETWEEN:

SRI CHETHAN KUMAR K.M.,
S/O MRUTHUNJAYANNA,
AGED ABOUT 29 YEARS,
RESIDING AT KESTUR VILLAGE,
KORA HOBLI,
TUMAKURU TALUK AND DISTRICT - 572 138.

...PETITIONER

(BY SRI GURUDATH V.R., ADVOCATE)

AND:

M/S. SRI SAI ENTERPRISES
C/O M/S.SRI SAI ENTERPRISES,
SHOP NO. 0203
SRI VOKKALERI ANJANEYA SWAMY
TEMPLE TRUST, KOLAR - 563101
REPRESENTED BY ITS
PROP. SRI PRAJWAL KUMAR S.M.,
S/O MANJUNATH S.N.,
AGED ABOUT 27 YEARS.

...RESPONDENT

(BY SRI RAJESH GOWDA, ADVOCATE)





THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 02.05.2024 PASSED BY THE III ADDITIONAL SENIOR CIVIL JUDGE AND J.M.F.C., KOLAR IN C.C.NO.2398/2021 AT ANNEXURE-A BY DECLARING THE SAME IS ILLEGAL.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

Petitioner is before this Court calling in question an order of the concerned Court passed in C.C.No.2398 of 2021 dated 02-05-2024, by which the application filed by the petitioner under Section 311 of the Cr.P.C. comes to be rejected.

2. Heard Sri Gurudath V.R., learned counsel appearing for petitioner and Sri Rajesh Gowda, learned counsel appearing for the respondent.

3. The petitioner is the accused, respondent the complainant. The two have a transaction, the transaction leads to certain cheque being issued in favour of the complainant.



The cheque having been dishonoured, the complainant invokes the jurisdiction of the learned Magistrate under Section 200 of the Cr.P.C. for offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The issue in the *lis* is not with regard to the merit of the claim of the complainant or the evidence of the accused. An application is filed by the petitioner under Section 311 of the Cr.P.C. for further cross-examination of P.W.1, the first in line, which is rejected by the concerned Court on the ground that it is only a ruse to drag the proceedings and that there is no iota of reasoning in the application so filed.

4. While there can be no qualm about the reasoning rendered by the concerned Court, as the application is vague and void, the learned counsel by the petitioner/accused now, before this Court, projects certain grounds that would necessitate a further cross examination of the complainant-PW1. In that light, to render a last straw of opportunity to the petitioner, I deem it appropriate to allow the application, with an observation that no such application would be entertained in future of the petitioner on any grounds whatsoever.



5. For the aforesaid reasons, the following:

ORDER

- (i) Criminal Petition is **allowed**.
- (ii) The impugned order dated 02-05-2024 passed by the III Additional Senior Civil Judge and JMFC, Kolar in C.C.No.2398 of 2021 is quashed and the application filed by the petitioner under Section 311 of the Cr.P.C. is allowed.
- (iii) The concerned Court shall permit further cross-examination of P.W.1/complainant on a particular date to be fixed by the concerned Court.
- (iv) The cross-examination shall conclude on the same day and no further adjournment would be granted in the matter.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP/
List No.: 2 Sl No.: 33