

Royal Constructions vs Rishab Electrical Industrial Supplier

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Court : Karnataka

Decided On : Feb-27-2025

Judge : S.R.Krishna Kumar

Appeal No. : CRL.P/484/2025

Appellant : Royal Constructions

Respondent : Rishab Electrical Industrial Supplier

Judgement :

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR CRIMINAL PETITION NO. 484 OF 2025 (482(Cr.PC) / 528(BNSS)-) BETWEEN: NO 353, 2ND FLOOR 1ST CROSS, GOKULA 1ST STAGE, 2ND PHASE MATHIKERE, BENGALURU 560054 AND ALSO AT SITE DELIVERY ADDRESS, NO.5, PATEL CHAUVAPPA STREET, T.V. TOWER BACKSIDE, J.C. NAGAR, BANGALORE-560006. NO.71, 10TH CROSS, PAPANNA BADAVANE, 5TH BLOCK, CBI MAIN ROAD,

Digitally signed by GANGANAGAR, BENGALURU-560032 LEELAVATHI REPRESENTED BY ITS PROPRIETOR SR Location: MR. AFTAB ALAM High Court PETITIONER of Karnataka (BY SRI.SRIRAM M., ADVOCATE) AND: RISHAB ELECTRICAL INDUSTRIAL SUPPLIER NO 14, SOURASTRAPET NEAR CHICKPET POLICE STATION BENGALURU REP BY ITS PROPRIETOR SRI RAJENDRA JAIN RESPONDENT (BY SRI.MOHAN KUMAR G., ADVOCATE) -2- THIS CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS

HONOURABLE COURT MAY BE PLEASED TO SET ASIDE ORDER

DATED 19.12.2024 IN C.C.NO.11790/2021 PASSED BY THE XXIV ASCJ AND ACMM AT BENGALURU CITY. THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by accused in C.C.No.11790/2021 is directed against the impugned order dated 19.12.2024 whereby the application filed by the petitioner under Section 311 of Cr.P.C to recall the order dated 10.07.2024 and for permission to adduce defence evidence was rejected by the Trial Court.

2. Heard learned counsel for the petitioner, learned counsel for the respondent and perused the material on record.

3. A perusal of the material on record will indicate that in

the aforesaid proceedings initiated by respondent-complainant against the petitioner -accused under Section 138 of NI Act, petitioner having contested the proceedings made a submission that he did not have defence evidence when the Trial Court called the case on 10.07.2024. However, subsequently, the petitioner

an application under Section 311 of Cr.P.C interalia contending that due to hospitalization of the mother of the petitioner - accused, it was not possible for him to adduce defence evidence earlier and as such, earlier order dated 10.07.2024 deserves to be recalled and petitioner may be permitted to adduce evidence in support of his submission. The said application having been opposed by the complainant, the Trial Court rejected the application under Section 311 of Cr.P.C on the primary ground that the medical certificate has not been produced.

4. Learned counsel for the petitioner submits that if one more opportunity is provided, the petitioner would adduce defence evidence without seeking unnecessary adjournments, under any circumstances, whatsoever.

5. Per contra, learned counsel for the respondent submits

that he has no objection for one more opportunity to be provided to the petitioner to adduce defence evidence subject to the condition that the petitioner does not take unnecessary adjournments under any circumstances whatsoever and by directing the Trial Court to dispose of the proceedings within a stipulated time frame.

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6. Though several contentions have been urged by both

sides in support of their respective claims, without expressing any opinion on the merits / de-merits of the rival contentions, in order to avoid multiplicity of the proceedings and provide an opportunity to petitioner, I deem it just and appropriate to adopt justice oriented approach and set aside the impugned order and allow the application under Section 311 of Cr.P.C and permit the petitioner to adduce defence evidence subject to condition that petitioner shall adduce defence evidence on the next date of hearing of the case before the Trial Court which stands posted on 27.03.2025 without taking any adjournments under any circumstances whatsoever. The Trial Court shall conclude the proceedings and dispose of within a period of three months from 27.03.2025.

7. Subject to the aforesaid directions, petition stands disposed of. Ordered accordingly. Sd/- (S.R.KRISHNA KUMAR) JUDGE MDS List No.: 2 SI No.: 41

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