HC-KAR

NC: 2026:KHC-D:6720
CRL.P No. 100664 of 2026

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.100664 OF 2026 (482(Cr.PC)/528(BNSS))

BETWEEN:

ANAND TATUBA PAWAR,
AGE. 31 YEARS, OCC, BUSINESS,
R/O. DESAIRATTI, TQ. ATHANI, DIST. BELAGAVI-591230.

...PETITIONER

(BY SRI. PAVANAJ B.PATIL, ADVOCATE FOR
SRI. JAGADISH PATIL, ADVOCATE)

AND:

MAHADEVI BHIMAPPA KIRANAGI,
AGE. 62 YEARS, OCC. AGRICULTURE,
R/O. ATHANI, TQ. ATHANI, DIST. BELAGAVI-591230.

...RESPONDENT

(BY SRI. AKSHAY KATTI, ADVOCATE)

Digitally signed by
CHANDRASHEKAR
LAXMAN KATTIMANI
Location: HIGH
COURT OF
KARNATAKA
DHARWAD BENCH
DHARWAD

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS (UNDER SECTION 482 OF CR.P.C.) PRAYING TO ALLOW THIS PETITION AND SET ASIDE THE ORDERS PASSED ON 20.08.2025 AND 16.02.2026 ON FILED UNDER SECTION 311 OF CR.P.C. FOR TAKING THE CROSS EXAMINATION OF PW-1 TO PW-3 AS NIL IN C.C NO.2604/2020 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 138, 139, 142 OF N.I. ACT, 1881, ON THE FILE OF LEARNED II ADDL. CIVIL JUDGE AND JMFC, ATHANI, AT ATHANI, BELAGAVI AND ETC.,.

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

CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed challenging the order rejecting the petitioner's application to recall the witnesses examined on behalf of the complainant including the complainant.

2. The application was rejected on the ground that a similar application was filed on two occasions earlier, and the present application is filed just to drag the matter.

3. Learned counsel for the petitioner would submit that, pertinent questions which would demolish the case of the complainant/respondent were required to be put to the witnesses and unfortunately those questions were not put during the cross-examination, as such, the application is filed to recall the witnesses and he would submit that in case the order is confirmed, great injustice would be caused to the petitioner.

4. Learned counsel for the respondent opposed the application on the premise that the petitioner is adopting dilatory tactics to delay the matter. On two occasions earlier, similar applications were allowed enabling the petitioner to cross-

examine the witnesses. However, after having cross-examined the witnesses, again the petitioner/accused has filed one more application and same is not permissible.

5. The Court has considered the contentions raised at the bar and perused the records.

6. Since, the cheque amount involved in this case is ₹5,00,000/- and since the case involves penal consequence, the Court is of the view that by putting the petitioner on terms of impugned order has to be set aside, though the trial Court is in a way justified in rejecting the application and order may not be said to erroneous or illegal. However, indulgence is shown keeping in mind the consequence, i.e. in case, the complaint transaction is established the accused may face an order of detention.

7. Hence, the following:

ORDER

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

ii. The impugned orders dated 20.08.2025 and 16.02.2026 are set aside.

iii. The petitioner is permitted to cross-examine the complainant and his witnesses subject to payment of costs of ₹5,000/- to the complainant.

iv. Cross-examination of all the witnesses shall be completed on the next date of hearing.

v. No further extension shall be granted to the petitioner to cross-examine the witnesses.

vi. Payment of costs is a condition precedent to cross-examine the witnesses.

vii. Observations in this order shall not be construed as having observed on the merits of the matter.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CLK
CT: UMD
List No.: 1 Sl No.: 61