

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO.266 of 2015

ORDER:

The petitioner/accused challenges the Order dated 30.12.2014 in CrI.M.P.No.2119 of 2014 in C.C.No.101 of 2014 passed by the learned V Addl. Chief Metropolitan Magistrate-cum-Principal Magistrate of Juvenile Justice Board at Hyderabad, whereunder the learned Magistrate dismissed the petition filed by the petitioner under Section 311 Cr.P.C. to recall PW.1 for cross examination.

Heard learned counsel for petitioner and perused the order.

In the interest of justice, this Court is of the considered view that an opportunity should be given to the petitioner/accused to cross examine PW.1 to effectively defend his case by imposing some conditions.

Accordingly, this Criminal Petition is allowed by setting aside the order dated 30.12.2014 in CrI.M.P.No.2119 of 2014 in C.C.No.101 of 2014 passed by the learned V Addl. Chief Metropolitan Magistrate-cum-Principal Magistrate of Juvenile Justice Board at Hyderabad. The learned Magistrate is directed to recall PW.1 for cross examination by the petitioner/accused and post the matter to a convenient date. The petitioner/accused shall complete the cross examination preferably on a single day. Further, the petitioner/accused shall pay costs of Rs.500/- to the complainant.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

29-01-2015

Note: C.C. by tomorrow.
B/o eha.

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 266 of 2015

Dt. 29.01.2015

eha