

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Crl.P.No.4642 of 2015

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ORDER

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This petition under Section 482 Cr.P.C. is filed by the petitioner/accused seeking to set aside the order dated 25.07.2014 passed Crl.M.P.No.1134 of 2014 in C.C.No.423 of 2013 on the file of XXII Special Magistrate, Hyderabad, where-under the learned Magistrate has rejected the request of the petitioner to recall P.W.1 for cross-examination.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the State.

3. Learned counsel for the petitioner submitted that at the time of recording the evidence of P.W.1, the counsel was absent due to Advocate's protest and as such, he did not cross-examine P.W.1.

4. This Court has already passed orders on 09.06.2015 in Crl.P.No.4113 of 2015, filed by the petitioner, directing the learned Magistrate to proceed with the trial of C.C.No.423 of 2013, but, however, shall not pronounce the judgment.

5. Having regard to the facts and circumstances of the case and in order to afford an opportunity to the petitioner/accused to cross-examine P.W.1, the learned Magistrate shall recall P.W.1 for cross-examination of P.W.1 subject to the following conditions;

(a) the petitioner/accused shall cross-examine P.W.1 on the date of hearing i.e., after receipt of the record, without seeking any further adjournment.

(b) the petitioner shall pay the costs of Rs.1,000/-(Rupees one thousand

only) to P.W.1.

6. Subject to the above directions, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M.S.K.JAISWAL, J

12th June, 2015

Note:

Issue CC by Monday.

(Bo)

sj