

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Criminal Petition No.109 of 2015

ORDER:

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____ Heard both sides.

____ Petitioner is challenging the order dated 20.04.2012 in CrI.M.P.No.754 of 2012 in C.C.No.945 of 2009 on the file of XVI Additional Chief Metropolitan Magistrate, Hyderabad whereunder the learned trial Court dismissed the petition filed under Section 311 Cr.P.C. by the petitioner/accused to recall PWs.1 to 4 for cross-examination for the reasons mentioned in the order.

2) ____ Learned counsel for petitioner submits that case is one under Section 325 IPC and valuable rights of the accused and his liberty are at stake and hence considering the same an opportunity may be given to him to cross-examine the witnesses to prove his case.

3) ____ Having regard to the above submission and the fact that accused is facing charge for a grievous offence under Section 325 IPC, this Court is inclined to give an opportunity to the petitioner/accused to cross-examine the witnesses on imposing terms.

4) ____ Accordingly, this Criminal Petition is allowed and order dated 20.04.2012 in CrI.M.P.No.754 of 2012 in C.C.No.945 of 2009 is set aside and trial Court is directed to fix an early date for cross-examination of PWs.1 to 4 preferably on a single day upon petitioner/accused paying costs of Rs.500/- each to PWs.1 to 4 during the cross-examination.

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

U.DURGA PRASAD RAO, J

Date: 20-01-2015

Murthy