

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

CRIMINAL PETITION No.12165 of 2016

ORDER :

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner/accused seeking to quash the order dated 14.07.2016, passed by the learned V-Additional District & Sessions Judge, Kurnool at Nandyal, in CrI.M.P.No.140 of 2016 in S.C.No.468 of 2011, refusing to recall PW-16/ investigating officer for further cross-examination, for the purpose of seeking some clarifications.

Heard learned counsel for petitioner/accused and the learned Public Prosecutor and perused the material available on record.

Learned counsel for petitioner submits that the case is based on circumstantial evidence, one of which is the last seen theory as propounded by the Prosecution. Two witnesses have claimed to have seen the accused and deceased together but the places where they have seen them together, are two distant places. Only to know the actual distance between Koilaluntla-Hothramanudinne rasta and Natlakothur junction of Banaganapalli-Hothramanudinne village, petitioner/accused has filed CrI.M.P.No.140 of 2016 in S.C.No.468 of 2011 to recall PW-16/ investigating officer for further cross-examination, as he is the best person to speak about the distance between the above two places. The said petition is dismissed observing that the recall of witness is not necessary.

Having heard learned counsel for petitioner, this Court is of the view that in the interest of justice, the petition may be allowed on the following terms :

- (i) Petitioner/accused shall deposit process fee for issuing summons to PW-16, within a period of one week from today.
- (ii) Petitioner/accused shall also deposit costs of Rs.1,000/- (Rupees one thousand) in the Court on each date of appearance of PW-16, towards the expenses of his appearance.
- (iii) PW-16 should invariably be examined on the date when he is present, without seeking adjournments.
- (iv) The cross-examination of PW-16 should be restricted to the purpose stated supra.
- (v) The entire process should be completed within one month from today.

Subject to above conditions, the criminal petition is allowed.

Pending miscellaneous applications, if any, shall stand closed.

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M.S.K.JAISWAL, J

23rd August 2016

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N.B :

Issue C.C. by tomorrow.

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ajr