

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

CRL.P.NOS.7918 AND 7919 OF 2016

COMMON ORDER

The Criminal Petition No.7918 of 2016 is filed under Section 482 of Code of Criminal Procedure by the petitioner – accused seeking to quash the order dated 9.5.2016 passed in Crl.M.P.No.2207 of 2016 in C.C.No.887 of 2015 by the II Special Magistrate, Vijayawada, wherein and whereby the learned II special Magistrate dismissed the petition filed by the petitioner – accused under Sections 311 and 246(4) of Cr.P.C seeking to recall P.W.2 for the purpose of further cross-examination.

The Criminal Petition No.7919 of 2016 is filed under Section 482 of Code of Criminal Procedure by the petitioner – accused seeking to quash the order dated 9.5.2016 passed in Crl.M.P.No.2206 of 2016 in C.C.No.887 of 2015 by the II Special Magistrate, Vijayawada, wherein and whereby the learned II Special Magistrate dismissed the petition filed by the petitioner – accused under Sections 311 and 246(4) of Cr.P.C. seeking to recall P.W.1 for the purpose of further cross-examination.

Heard the learned counsel for the petitioner – accused and the learned Public Prosecutor and the leaned counsel for the 2nd respondent – complainant in Crl.P.No.7919 of 2016.

Considering the facts and circumstances of the case, this court is of the view that the ends of justice would be met if P.Ws.1 and 2 are recalled subject to the following direction:

1. That the petitioner- accused shall cross-examine P.Ws.1 and 2 on the next date of hearing without seeking further adjournment; and
2. That the petitioner – accused shall pay costs of Rs.5,000/- each to P.Ws.1 and 2, failing which, the Criminal Petition shall stand dismissed.

Accordingly, both the criminal petitions are disposed of.

Pending miscellaneous applications, if any, shall stand closed. No costs.

M.S.K.JAISWAL,J

DATE:04.07.2016

AVS