

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.11725 of 2016

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioners/accused seeking to call for the records pertaining to the order, dated 23-05-2016 passed in CrI.M.P.No.1055 of 2016 in C.C.No.222 of 2015 by the IX Special Magistrate, Hyderabad and quash the same.

By the impugned order, dated 23-05-2016, the learned Special Magistrate dismissed the petition filed by the petitioners-accused under Section 311 Cr.P.C. seeking to recall P.W.1 for the purpose of further cross-examination.

Heard the learned counsel for the petitioners-accused and the learned Public Prosecutor and perused the material available on record.

Considering the facts and circumstances of the case, this Court is of the view that ends of justice would be met if P.W.1 is recalled subject to the following conditions :

- (1) The petitioners/accused shall deposit an amount of Rs.3,000/- (Rupees Three Thousand only) into the Court to be paid to P.W.1 as and when P.W.1. is present/produced before the Court;
- (2) The petitioners/accused shall deposit the process for issuing summons to P.W.1; and
- (3) That the petitioners/accused shall cross-

examine P.W.1 as and when P.W.1 is present/produced before the Court without seeking adjournment. The entire process shall be completed within one month from the date of receipt of a copy of the order.

Accordingly, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

10.08.2016

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