

HON'BLE Smt JUSTICE ANIS

CRIMINAL PETITION No.14158 of 2016

ORDER:

Challenging the order passed in CrI.MP.No.2297 of 2016 in C.C.No.714 of 2015 dated 26.08.2016 by the XIV Additional Judge -cum- XVIII Additional Chief Metropolitan Magistrate, Erramanzil, Somajiguda, Hyderabad, wherein the learned Judge dismissed the petition filed by the petitioner, under Section 311 Cr.P.C., for cross-examination of PW.1.

Learned counsel for the petitioner submits that, when the matter was posted for cross-examination of PW.1, petitioner's counsel could not attend before the Trial Court on the ground of ill-health and, therefore, PW.1 could not be cross-examined. He would submit that, if the petitioner is not allowed to cross-examine PW.1, it would cause irreparable loss to the petitioner.

Heard the learned Additional Public Prosecutor.

It is no doubt true that, on 01.04.2016, PW.1 filed his affidavit in chief and got marked Exs.P.1 to P.7. Though the matter has been posted for cross-examination of PW.1 from 17.06.2016, it was adjourned from time to time at the request of the petitioner. The petitioner states that, due to ill-health of the counsel, PW.1 could not be cross-examined. According to the petitioner, if PW.1 is not cross-examined, he would suffer irreparable loss.

In view of the facts and circumstances of the case, PW.1 is directed to be present before the Trial Court for cross-examination on 18.10.2016. However, the petitioner is directed to complete cross-examination of PW.1 on that day itself.

With the aforesaid observation, the Criminal Petition stands disposed of. Miscellaneous petitions pending, if any, shall also stand disposed of.

ANIS,J

Date:29.09.2016
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