

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5352 OF 2016

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ORDER:
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This petition is filed by the petitioners-A1 to A3 under Section 482 Cr.P.C. seeking to quash the order dated 19.2.2016 passed in CrI.M.P.No.1 of 2016 in C.C.No.92 of 2014 by the I Metropolitan Magistrate, Hyderabad.

Heard and perused the material available on record.

The petitioners are alleged to have committed the offence under Sections 3(1)(zz), 21, 26(2)(i)(ii) of Food Safety and Standards Act. The petitioners filed the above CrI.M.P. under Section 311 Cr.P.C., seeking to recall P.W.1 for further cross-examination on the ground that they changed their Counsel and they have to elicit crucial facts from P.W.1. The trial Court dismissed the above CrI.M.P. Aggrieved by the same, the petitioners filed the present petition.

Considering the facts and circumstances of the case and the nature of the offence, this Court is inclined to pass the following order:

“The petitioners are directed to file a fresh application before the trial Court seeking to recall P.W.1. On such application being filed, the trial Court is directed to recall P.W.1 and fix a date for further cross-examination of P.W.1. If the petitioners fail to cross-examine P.W.1 on the date so fixed by the trial Court, the trial Court is at liberty to proceed in accordance with law. The petitioners are directed to pay Rs.5,000/- (Rupees Five Thousand only) towards costs to P.W.1”.

With the above direction, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 18.4.2016
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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 18.4.2016

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