

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3096 of 2016

ORDER:

This Criminal Petition is filed by A.1 & A.2 under Section 482 of Cr.P.C. seeking to quash the orders dated 23.2.2016 passed by the Special Judge for trial of offences under the SCs & STs (POA) Act-cum-V Additional Sessions Judge, Nellore in dismissing Crl.M.P.No.37 of 2016 in S.C.No.84 of 2010 filed by the accused under Section 311 Cr.P.C. seeking to re-summon P.W.2 for the purpose of further cross-examination.

Heard and perused the material available on record.

There is no ground to interfere with the impugned order. However taking into consideration the fact that the petitioners are facing the charge for the grave offence under Section 302 IPC, this Court is of the view that one chance can be given to them. Hence, the petitioners are directed to file a fresh application to recall P.W.2 for further cross-examination duly intimating the exact questions which they intend to ask the said witness and on filing such application, the Court below is directed to allow the same on condition of petitioners paying a sum of Rs.3,000/- towards costs to the said witness, fix a date for cross-examination of the said witness and on that date, the petitioners should cross-examine the said witness. It is made clear that if the petitioners fail to cross-examine the said witness on the date fixed for that purpose, the Court below is at liberty to proceed with the matter in accordance with law.

The Criminal Petition is disposed of accordingly.

Miscellaneous Petitions filed in this Criminal Petition, if any, shall stand closed.

RAJA ELANGO,J

23.03.2016.

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