

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

CRIMINAL PETITION No.5776 of 2016

ORDER:

This Criminal Petition is filed against the order dated 22.03.2016 in CR.M.P.No.185/2016 in S.S.C.No.51/2012 on the file of the Special Sessions Judge for Trial of Cases under SC & ST (POA) Act-cum-VII Additional District and Sessions Judge, Warangal, whereby, the petition filed under Section 311 Cr.P.C. to recall PW 9 for further cross-examination was dismissed.

Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor for the State.

The learned counsel appearing for the petitioner submits that as serious allegations are levelled against the petitioner/accused, if the prosecution witnesses are not cross examined, prejudice would be caused to him.

The allegations levelled against the petitioner are for the offences punishable under Section 506 IPC and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The criminal jurisprudence requires sufficient opportunity to be afforded to the accused to put forth his defence and to cross examine the prosecution witnesses.

In view of the facts and circumstances of the case and in view of the nature of offence, I feel that the petitioner/accused be given an opportunity to further cross examine PW.9, however, subject to following conditions;

- i) The petitioner/accused shall complete the cross examination of PW.9 on the same day when he is produced, without seeking any further adjournment;

- ii) The petitioner/accused shall pay costs of Rs.2,000/- (Rupees Two thousand only) to PW.9 on the date of his cross examination.

Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 30.06.2016

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