

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3910 of 2016

ORDER:

This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in CrI.M.P.No.67 of 2016 on the file of the First Special Magistrate, Hyderabad.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners filed the miscellaneous petition before the Court below seeking to recall P.W.3 and permit the counsel for the petitioners to cross-examine P.W.3. He further submits that though the application is filed for recall of P.W.3, the learned trial Judge erroneously dismissed the application observing that the Court will decide after arguments are over whether it is necessary to file I.T>Returns or to show the amount in I.T.returns or otherwise, which is not the prayer of the petitioners. Hence, he seeks to quash the said proceedings.

On perusal of the order impugned, this Court is of the view that the order passed by the Court below is contrary to the prayer of the petitioners. Hence, the Court below is directed to restore CrI.M.P.No.67 of 2016 to its file and to pass appropriate orders after hearing the petitioners in accordance with law.

The Criminal Petition is accordingly disposed of. Miscellaneous Petitions pending in this Criminal Petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

23.03.2016

pln