

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION Nos.1513, 1516, 1525 AND 1529 OF 2017

COMMON ORDER:

These Criminal Petitions, under Section 482 of the Code of Criminal Procedure, 1973, are filed requesting to quash the orders, dated 30.01.2017, passed in CrI.MP.Nos.260 and 261 of 2017 in C.C.No.266 of 2013 on the file of Additional Judicial Magistrate of First Class, Tiruvuru, Krishna District and CrI.MP.Nos.262 and 263 of 2017 in C.C.No.268 of 2013 on the file of very same Magistrate.

2. Heard Sri M. Ravindra, learned counsel for the petitioner/accused in all the Criminal Petitions, and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. Since the Criminal Petitions are being disposed of at the admission stage itself, it is unnecessary to order notice to the *de facto* complainant, who is respondent No.2 herein.

4. A request was made by the petitioner under Section 311 Cr.P.C. to reopen the case and to recall PW.1 for further cross-examination by him. It is not in dispute that the petitioner also got examined himself as DW.1 and the matters were coming up for arguments, and at that stage, the aforesaid petitions were filed. The request made is based only on a solitary ground that being, the earlier counsel from Vijayawada has not properly cross-examined PW.1 and certain important aspects are required to be elicited in the cross-

examination of PW.1. Now, it is well settled that change of Advocate by a party is no ground to grant such a relief. I am fortified by the law declared by the Honourable Supreme Court in **State of Haryana v. Ram Mehar and others**¹.

5. The learned trial Court, having assigned reasons that no satisfactory and substantive plea was mentioned in the petitions as to how the right of the petitioner/accused would affect, in case, he is not allowed to further cross-examine PW.1, and that change in the counsel would not clothe the petitioner/accused to entitle him to recall PW.1, dismissed the petitions. The orders under challenge are on correct lines and nothing is shown to view the orders are patently illegal, warranting interference by this Court.

6. Hence, the Criminal Petitions are dismissed. Miscellaneous Petitions, if any, pending in these Criminal Petitions, shall stand closed.

A. SHANKAR NARAYANA, J

February 27, 2017.
MD

¹ (2016) 8 SCC 762