

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.4945 of 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 01.02.2017 passed in CrI.M.P.No.212 of 2017 in C.C.No.9 of 2013 by the Principal Special Judge for CBI Cases, Hyderabad, and to direct the Principal Special Judge for CBI Cases, Hyderabad to close the evidence of L.W.1 and conclude the trial in C.C.No.9 of 2013.

CrI.M.P.No.212 of 2017 was dismissed by the Principal Special Judge for CBI Cases, Hyderabad on the ground that efforts are being made to trace out L.W.1 and to execute N.B.W. issued against L.W.1 and that the accused has no right to seek closure of evidence of a particular witness to be examined by the prosecution.

Learned counsel for the petitioner contended that on account of non-appearance of L.W.1, the petitioner is roaming around the Court for the last one year and drawn the attention of this Court to the docket proceedings of the Court below. It is evident from the docket proceedings that N.B.W. was issued against L.W.1 on 19.09.2016 for his production and examination, and the same is still pending.

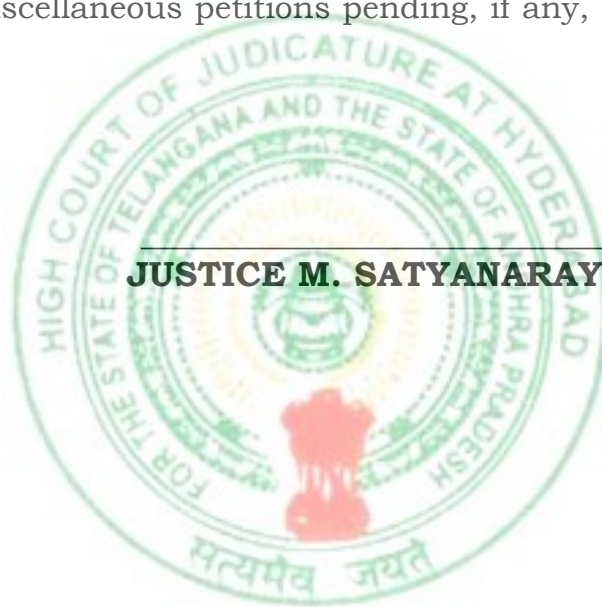
In fact, the trial Court observed that the petitioner is not competent to request the Court to close the evidence of prosecution, but on account of delay in securing the presence of L.W.1, the petitioner is roaming around the Court for the last one year. It is for the Court to take coercive steps for production of

L.W.1 to complete the prosecution evidence. Though the petitioner has no right to seek relief in the petition filed before the Court, since speedy justice is a right of every citizen guaranteed under the Constitution of India, the Principal Special Judge for CBI Cases, Hyderabad is requested to take coercive steps for production of L.W.1 by following the necessary procedure and complete the trial as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this Order.

With the above direction, the petition is disposed of.

The miscellaneous petitions pending, if any, shall also stand closed.

16.08.2017
Ksp



JUSTICE M. SATYANARAYANA MURTHY