

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9244 of 2017

ORDER:

Heard learned counsel for the petitioner/ A3 of C.C.No.306 of 2010 on the file of the Chief Metropolitan Magistrate, Hyderabad and learned Public Prosecutor representing the State.

It is impugning the docket order of the learned Magistrate for A3 was absent, even it was coming for PW.1's cross examination, the cross examination was not conducted and thereby, the cross examination was reported nil and witness even left, a petition is filed that was dismissed and for the absence of A3, N.B.W. issued as A1 and A2 present and by ordering summons to LWs.2 to 5, for further evidence posted to 03.10.2017. It is the same impugned.

As rightly pointed out by the learned Public Prosecutor that practically there is no wrong in the impugned order of the lower Court for the petitioner to question.

However, to sub-serve the ends of justice instead of delaying the matter, the Criminal Petition is disposed of directing the petitioner/ A3 to surrender before the learned Magistrate, in person, and file application for recall of N.B.W. to allow the same subject to fixing date for cross examination of P.W.1 subject to an undertaking to complete the cross examination on that day.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.09.2017
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