

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.8700 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner - Accused Officer viz., Dr. Rentala Rammurthy, seeking to quash the order dated 04.09.2017 in Criminal M.P. No.584 of 2017 in C.C. No.117 of 2015 passed by the learned Special Judge for SPE & ACB Cases at Karimnagar, Kariminagar District, and to permit the petitioner to cross-examine PW.1 in the above Calendar Case.

2. When the above application is filed under Section 311 of the Code of Criminal Procedure, 1973 (for short 'Code') for recalling PW.1 for the purpose of cross-examining him by the accused officer, the learned Special Judge, referring to the conduct of the accused officer in not availing the opportunity of cross-examining PW.1 at an appropriate stage and seeking adjournment on the ground that his counsel was engaged in a different Court, refused to accede to the request and dismissed the application.

3. Heard Sri Avinash Singh, learned counsel, representing Sri A. Prabhakar Rao, learned counsel for the petitioner - accused officer, and the learned Additional Standing Counsel - cum - Special Public Prosecutor for A.C.B. Cases (Telangana State) for the respondent - State, and perused the material on record.

4. The learned Special Public Prosecutor having read the relevant portions in the order, however, would agree that PW.1 be recalled for cross-examination on terms. His fairness can be appreciated for the reason that since it is a trap case, in case, the opportunity to cross-examine PW.1 is shut, the evidence of PW.1 attains character of unchallenged and un-rebutted, thereby causing great inconvenience to the accused officer.

5. Viewed in that perspective, certainly, the order is liable to be set aside giving a chance to the accused officer to cross-examine PW.1 on the next date of hearing. The accused officer is also directed to cooperate with the Special Court without giving any scope to avoid cross-examination of PW.1

6. Accordingly, the Criminal Petition is allowed setting aside the order impugned and consequently Criminal M.P. No.584 of 2017 on the file of the Special Court stands allowed.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

October 30, 2017.
PV