

THE HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.743 of 2017

ORDER:

The present petition, under Section 482 of the Code of Criminal Procedure (Cr.P.C), is filed by the petitioner/Accused requesting to set aside the order dated 25.01.2017 in CrI.M.P.No.379 of 2017 in C.C.No.176 of 2016 passed by the XIV Additional Judge-cum-XVIII Additional Chief Metropolitan Magistrate, Erramanzil, Somajiguda, Hyderabad, whereby and whereunder the petition filed by the petitioner under Section 311 of Cr.P.C., for recalling P.W.1, was dismissed.

In the order under challenge, the learned Magistrate has projected the order, dated 06.06.2016, passed by this Court in Criminal Petition No.7462 of 2016, wherein a direction was given to dispose of C.C.No.176 of 2016 within a period of three months and, to comply with the said order of this Court, the matter was posted for 313 Cr.P.C. examination.

The order under challenge shows that P.W.1 was admittedly cross-examined in part and, since there is a direction by this Court in the said Criminal Petition No.7462 of 2016 to dispose of the Calender Case within a period of three months, the learned Magistrate appears to have been insisting on the trial to be concluded. No doubt, the

learned Magistrate observed that there was non-cooperation by the petitioner, but, however, considering that if the petitioner is given an opportunity, there cannot be any prejudice to the defacto complainant, the petitioner is afforded an opportunity in the interests of justice.

Accordingly, the Criminal Petition is allowed directing the petitioner to be present before the Court below on 03.02.2017 and cross-examine P.W.1 positively and also co-operate with the Court below for early disposal of the Calender Case.

Miscellaneous applications, if any pending in the present petition, stand closed.

01.02.2017

Note: Issue CC immediately.

B/o

Pv/ v v



JUSTICE A.SHANKAR NARAYANA