

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.8849 of 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the orders dated 30.08.2017 passed in CrI.M.P.No.500 of 2017 in Spl.S.C.No.38 of 2015 by the Special Sessions Judge for trial of S.Cs and S.Ts Cases – cum – VIII Additional Sessions Judge, Ananthapuram.

The petitioner filed a petition under Section 311 of Cr.P.C. before the trial Court to recall P.Ws.1 and 2 for further cross-examination, who were not cross-examined on some crucial aspects, which are essential to meet the ends of justice.

The Court below held that the prosecution examined altogether 14 witnesses, and after closure of the evidence, the petitioners were examined under Section 313 Cr.P.C. explaining the incriminating material available in the evidence of prosecution witnesses and at the stage of arguments, accused filed petition to recall P.Ws.1 and 2, who are brother and wife of the deceased for further cross-examination to answer certain questions. But in the entire petition no specific reason was mentioned as to why witnesses are to be recalled, except alleging that they have to be recalled for cross-examination. Based on such bald allegations the trial Court dismissed the petition.

Even now, I find no reason to allow the petition filed under Section 311 of Cr.P.C. permitting the petitioners to cross-examine P.Ws.1 and 2 further. Therefore, I find no ground to interfere with the impugned order by exercising inherent power under Section 482 of Cr.P.C. Hence, the petition is devoid of merits and deserves

to be dismissed.

In the result, the petition is dismissed.

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

JUSTICE M. SATYANARAYANA MURTHY

19.09.2017
Ksp

