

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.7940 OF 2017

ORDER:

This criminal petition is filed under Section 482 Cr.P.C to quash the order dated 18.05.2017 passed in CrI.M.P. No.2658 of 2017 in C.C. No.40 of 2009 by the Additional Judicial First Class Magistrate, Narasapur, West Godavari District, wherein the petition filed under Section 311 Cr.P.C to recall PW.1 for the purpose of further cross examination on various grounds was dismissed.

In view of the law declared by the Apex Court in **R. Dinesh Kumar alias Deena v. State, represented by Inspector of Police and others**¹, learned counsel for the petitioner requested this Court to permit the petitioner to raise his objection during hearing and dispose of this petition giving an opportunity to the petitioner to raise such an objection as to the discrepancy in the statements produced before the Court by the complainant and the Income Tax Department.

The Criminal Petition is liable to be dismissed as not maintainable by applying the principle as laid down in Dinesh (supra), giving opportunity as stated above.

Accordingly, the criminal Petition is dismissed as not maintainable. Consequently, miscellaneous applications pending, if any, shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:27.12.2017
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¹ (2015) 7 Supreme Court Cases 497