

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7592 of 2017

ORDER:

Heard learned counsel for the petitioners of C.C.No.24 of 2016 on the file of the IV Additional Judicial First Class Magistrate, Kakinada, East Godavari District, where the learned Magistrate has taken cognizance of the part heard matter, from the evidence of PWs.1 to 4, against the petitioners herein as additional accused, for the offences punishable of the charges framed against the original accused under Sections 323, 342, 353, 384 and 506 r/w 34 I.P.C. and also heard learned Public Prosecutor representing the State before ordering notice to respondent No.1.

In fact, there is nothing to find fault with the taking of cognizance against the petitioners herein as additional accused, but for, to say they are entitled to the opportunity for recall and cross examination of any of the witnesses and liberty is left open to the petitioners, if at all there is no material after such stage to seek for discharge by altering any charge under Section 216 Cr.P.C. as such power of the Court is available to alter or delete or modify any charge till pronouncement of judgment.

With the above observations, the Criminal Petition is disposed of. So far as the inconvenience expressed by the petitioners for attending the Court is concerned, remedy is left open to file an application under Rule 37 of the Criminal Rules of Practice for one to represent others and learned Magistrate to consider the same after hearing.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 12.09.2017
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