

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.8760 OF 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the proceedings dated 23.08.2017 in CrI.M.P.No.2709 of 2017 in M.C.No.34 of 2016 on the file of Additional Judicial Magistrate of First Class, Avanigadda whereby the learned Magistrate dismissed the petition to reopen the evidence of the respondent in M.C.No.34 of 2016, the petitioner herein.

It is the contention of the petitioner that he was examined as witness before the court as RW-1 and proposed to examine his employer, Manager of Axis Bank, Vijayawada, Accounts Officer, BSNL Office, Vijayawada and also the Manager of the Co-operative Credit Society of Machilipatnam, before the Court. But, only one adjournment was granted and on that day, the petitioner failed to examine the witnesses before the Court.

But, in view of nature of proceedings, I deem it appropriate to permit the petitioner to adduce evidence granting one more chance to avoid unnecessary delay in disposal of the maintenance case for the benefit of wife and children, who are neglected by the petitioner. Therefore, the order passed by the trial Court is hereby set aside exercising inherent powers while directing the learned Addl.Judicial First Class Magistrate, Avanigadda to afford one more opportunity to adduce additional evidence to the petitioner herein and respondent in the maintenance case fixing specific date for examination and in the event of petitioner's failure to examine the witnesses on the day fixed, the trial court shall close the evidence and proceed with the case, in accordance with law.

With the above directions, the criminal petition is dismissed.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:18.09.2017
ccm



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