

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION Nos.2363 AND 2365 OF 2017

COMMON ORDER:

Assailing the orders, both dated 02.03.2017, in CrI.M.P. No.752 of 2016 in Calendar Case No.66 of 2013 and CrI.M.P. No.751 of 2016 in Calendar Case No.103 of 2013, on the file of the Judicial Magistrate of First Class, Peddapalli, the present petitions are filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), respectively, requesting to set aside the said orders.

2. By the aforesaid orders, petitions filed by the petitioner - accused under Section 311 of the Code to recall PW.1 for further cross-examination, were dismissed by the learned Magistrate, distinguishing the ruling relied on by the petitioner therein in **Mohd. Hussain @ Julkifar Ali v. State (Govt. of NCT) Delhi¹**, by assigning reasons.

3. Heard Sri Nageshwar Rao Pujari, learned counsel for the petitioner in both the petitions.

4. Admittedly, the aforesaid Calendar Cases are coming up for arguments and at that stage on the ground that the learned counsel for the petitioner was changed and newly appointed learned counsel advised that certain important questions could not be confronted to PW.1, the said petitions were filed for that purpose. It is clear from

¹. 2013 (1) ALT (CrI.) 26 (SC)

the law declared by the Hon'ble Supreme Court in **State of Haryana v. Ram Mehar and Others**² that change of an advocate on record is no ground to accede to such request. Therefore, there is no merit in both the petitions.

Both the Criminal Petitions are, accordingly, dismissed at the admission stage itself. As a sequel thereto, miscellaneous petitions, if any, pending in the petitions, stand closed.

A. SHANKAR NARAYANA, J

March 21, 2017.
Mgr



². (2016) 8 SCC 762