

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2551 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the order, dated 24.01.2017, in CrI.M.P.No.80 of 2017 in C.C.No.169 of 2016 on the file of Special Judge for Economic Offences, Hyderabad.

2. The petitioner got aggrieved of the aforesaid order, since, his request made under Section 311 of the Code, to recall PW.1 for further cross-examination (in the order under challenge it is stated re-examination, basing on what was stated in the petition by the petitioner herein, who is incidentally petitioner therein, which appears to be incorrect), was not acceded to.

3. Heard Sri Venkateshwar Varanasi, learned counsel for the petitioner.

4. No notice is needed to be ordered to respondent No.2 — complainant, for the reason, on a scanning of the order under challenge, no patent illegality is made out or to be found.

5. The submissions of the learned counsel for petitioner have been that, firstly, certain payments made by the petitioner were not confronted to PW.1, second, the petitioner, due to paucity of time, having been busy in his duties, could not properly instruct the then

counsel on record before the Court below, and third, the petitioner has changed the advocate and the advocate now appointed intends to cross-examine PW.1 further on certain material aspects, which were suppressed by PW.1, and, therefore, he requests to afford an opportunity to the petitioner for further cross-examining PW.1.

6. The grounds stated by the petitioner, more particularly, alleged suppression of certain facts by respondent No.2 – complainant are neither detailed nor mentioned precisely. So, that ground is not available now. Concerning the next ground as to certain payments were made by the petitioner towards discharge of loan contracted for purchase of vehicle, again, the same can be proved by the petitioner by examining himself as a witness. Concerning the third ground that there has been change of advocate and the learned counsel now on record before the Court below, intends to cross-examine PW.1 further, as proper instructions were not given to the earlier advocate, is no ground to accede to such a relief. Thus, on a perusal of the order passed by the Court below, no patent illegality is shown, warranting interference. Hence, the request of the petitioner cannot be acceded to.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 28, 2017.
MD