

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.8514 of 2017

ORDER.

In this petition filed under Section 482 Cr.P.C., the petitioner seeks to quash the order dated 31-8-2017 in CrI.M.P.No.457 of 2017 in S.C.No.26 of 2015 on the file of Special Sessions Judge for trial of cases under Protection of Children from Sexual Offences Act 2012-cum-I Additional Sessions Judge, Khammam whereunder the Special Judge dismissed the petition filed by the petitioner/accused under Section 311 Cr.P.C. to recall P.W.1 for further cross-examination.

The petitioner is facing trial for the offences under Sections 376 I.P.C. and 4 of Protection of Children from Sexual Offences Act 2012. The trial is under way. While so, P.W.1 who is the father of victim was examined on 19-7-2017 and was cross-examined by the petitioner/accused. Thereafter, the petitioner filed the petition to recall P.W.1 on the ground that some material questions were not asked by the defence counsel and they have to be put to witnesses. However, the trial court dismissed the petition holding that an opportunity was given to the petitioner to cross-examine the witness and in fact he cross-examined the witnesses and now the present petition is filed only to fill up the lacunae in the cross-examination.

Aggrieved by the said order, the present petition is filed.

As can be seen from the copy of deposition, the petitioner cross-examined P.W.1 and elicited what he wanted from the witness. The recall petition is silent as to on what aspect, he wanted to further cross-examine the witness. Except stating that some material questions were not asked, the petition is silent as to what were those material aspects which were not put to the witness earlier.

In these circumstances, the order impugned cannot be found fault.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Dated 18-9-2017.

Dvs

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U.DURGA PRASAD RAO,J



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Dated 18-9-2017

Dvs