

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY THE TWENTY NINETH DAY OF AUGUST
TWO THOUSAND AND SEVENTEEN

PRESENT

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION NO. 6171 OF 2016

Between:

Poludasu Vemana ... Petitioner

V/s.

State of Andhra Pradesh
Represented by its Public Prosecutor
High Court of Judicature for the State of
Telangana & Andhra Pradesh
Hyderabad. ... Respondent



Counsel for the Petitioners: Sri O. Kailashnath Reddy

Counsel for the Respondents: Public Prosecutor [A.P.]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO. 6171 OF 2016

ORDER :

This Criminal Petition is filed under section 482 of Cr.P.C., challenging the order passed by the Special Judge for SPE and ACB Cases-cum-Additional District and Sessions Judge, Nellore, in CrI.MP.No. 7 of 2016 in C.C.No. 11 of 2009, allowing the application in-part, permitting the petitioner to recall PWs.1, 2 and 4 on payment of costs of Rs.1,000/- each while declining to recall PWs. 5, 6, 9 and 49.

2. The trial court recorded its reasons to negate the relief claimed in the petition but affording opportunity to cross-examine the witnesses, PWs. 1, 2 and 4. The said order is under challenge before this Court under Revision, since it is a case of disproportionate assets and Sri Udaya Bhaskara Rao, learned Special Public Prosecutor though objected, to avoid un-necessary complications and to afford reasonable opportunity to the petitioner to prove his innocence more particularly about additional properties which does not belong to, PW-49 is recalled by exercising inherent power under section 482 of Cr.P.C., subject to

payment of process-fee, T.A and D.A. to PW-49 enabling him to appear before the Court for further cross-examination with regard to inclusion of properties which are not registered in the name of the petitioner.

3. In the result, the Criminal Petition is allowed in-p[art, recalling PW-49 subject to payment of T.A. and D.A., and permitting the petitioner to cross-examine him with regard to inclusion of properties registered in the name of others and the trial Court is directed to fix specific date of cross-examination and complete cross-examination and dispose of the case on merits and in accordance with law.

4. With the above direction, the Criminal Petition is allowed in-part.

5. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

JUSTICE SATYANARAYANA MURTHY.

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY



CRIMINAL PETITION No. 6171 OF 2016
[PARTLY ALLOWED]

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