

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.985 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. seeking to quash the order dated 28.01.2016 passed in CrI.M.P. No.82 of 2016 in C.C. No.1088 of 2007 on the file of the VII Additional Chief Metropolitan Magistrate, Hyderabad, which is confirmed by the order dated 20.12.2017 in CrI.R.P. No.38 of 2016 on the file of the II Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for respondent No.4-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner would submit that the application filed by the petitioner in CrI.M.P. No.82 of 2016 in C.C. No.1088 of 2007 to array P.W.3 as an accused in the calander case, was dismissed on 28.01.2016 by the VII Additional Chief Metropolitan Magistrate, Hyderabad, the same is confirmed by the II Additional Metropolitan Sessions Judge, Hyderabad, by the order dated 20.12.2017 in CrI.R.P. No.38 of 2016; both the orders passed by the Courts below are erroneous; there is material to array P.W.3 as an accused; and ultimately, prayed to grant the relief as prayed for.

4. On the other hand, learned Assistant Public Prosecutor opposed the relief sought by the petitioner.

5. In view of the contentions putforth by both sides, the point for determination is, whether the request of the petitioner can be acceded to?

6. As per the material on record, P.W.3 was examined on behalf of the petitioner. When P.W.3 did not support the case of the

petitioner, it appears the petitioner has filed CrI.M.P. No.82 of 2016 in C.C. No.1088 of 2007 to array P.W.3 as an accused. There are no allegations against P.W.3 constituting the offences alleged. Both the Courts below have analyzed the entire material on record and declined to consider the request of the petitioner. There is no infirmity in both the impugned orders. There are no circumstances to array P.W.3 as an accused in C.C. No.1088 of 2007. The petition is devoid of merit and it is liable to be dismissed.

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

Date: 14-02-2018

siva

Dr. SHAMEEM AKTHER, J

