

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 3500 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') by the petitioners-accused Nos. 1 to 10 to quash the order dated 07-03-2018 in Criminal M.P.No. 170 of 2018 in S.C.No. 413 of 2013 on the file of the Court of X Additional District and Sessions Judge, Gurazala (for short, 'the Court below').

2. The petitioners filed the above miscellaneous petition before the Court below under Section 311 of Cr.P.C. to recall P.W.1 for further cross-examination on the ground that the senior counsel whom they engaged could not appear before the Court below on the day when the witnesses were examined in chief due to his old age and ill health and the junior counsel who appeared on behalf of senior counsel could not cross-examine P.W.1 effectively. The Court below by the impugned order dismissed the above petition. Aggrieved thereby, the present petition is filed.

3. At the hearing, Dr. Challa Srinivas Reddy, learned counsel for the petitioners, has requested this Court to afford one opportunity to have fair trial and to bring entire material on record, for which Sri A.K.Kishore Reddy, learned counsel for respondent No. 2, has not raised any worthy objection.

4. Taking into consideration the facts and circumstances of the case and to bring entire material on record and to enable the Court below to decide the case effectively and also to meet the requirements of fair trial, I am of the view that one opportunity can be afforded to the petitioners to cross-examine P.W.1 further.

5. The criminal petition is accordingly allowed quashing the order dated 07-03-2018 in Criminal M.P.No. 170 of 2018 in S.C.No. 413 of 2013 on the file of the Court below and the Court below is directed to fix a date for cross-examination of P.W.1 further on the points not covered during earlier cross-examination. In the event of the petitioners' failure to cross-examine P.W.1 further on the date so fixed by the Court below, the latter shall proceed with further trial without granting further time to the formers. The Court below is further directed to dispose of the above sessions case as expeditiously as possible and in any event not later than one month from the date of receipt of a copy of this order. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 14-08-2018.
JSK

M.SATYANARAYANA MURTHY, J.

