

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.4884 OF 2018

ORDER:

This criminal petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the docket order dated 17.04.2018 passed in C.C.No.55 of 2018 by the XXIII Special Magistrate, Hyderabad, whereby the Magistrate concerned having waited till 01.30 p.m. at the request of the learned counsel appearing in the trial Court to take up the matter for every 10 minutes, closed the cross examination of P.W.1.

The main ground urged in the petition is that the trial Court instead of waiting for some more time in view of the conditional order passed in CrI.M.P.No.1462 of 2018, closed the cross-examination of P.W.1. Therefore, the docket order dated 17.04.2018 is illegal.

Sri G.Ravichandran, learned counsel for the petitioner reiterated the grounds urged in the petition and requested this Court to afford an opportunity to the petitioner to cross-examine P.W.1.

Learned counsel for the respondent No.1 supported the impugned docket order and prayed to dismiss the petition.

Taking into consideration of the facts and circumstances of the case, I deem it appropriate to afford an opportunity to the petitioner to cross-examine P.W.1. Consequently, the docket order dated 17.04.2018 passed in C.C.No.55 of 2018 by the XXIII Special Magistrate, Hyderabad is liable to be set aside.

In the result, the criminal petition is allowed. The docket order dated 17.04.2018 passed in C.C.No.55 of 2018 by the XXIII Special Magistrate, Hyderabad is hereby quashed, fixing the date for cross-

examination of P.W.1 as 10.08.2018. Learned counsel for the petitioner shall cross-examine P.W.1 on 10.08.2018 and the Magistrate concerned is directed to take up the C.C.No.55 of 2018 immediately after call work on 10.08.2018. No further chance will be given to the petitioner. In the event of failure to cross-examine the P.W.1 on that date, the Magistrate concerned is directed to proceed further in accordance with law. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

03.08.2018

Note:
Issue C.C. by 07.08.2018
B/o
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JUSTICE M. SATYANARAYANA MURTHY

