

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5010 of 2011

ORDER:

This petition is filed, seeking to set aside the order, dated 11.04.2011, passed in C.C.No.336 of 2009 on the file of the Special Judicial Magistrate of First Class (Mobile Court) Kurnool. The offences alleged are under Sections 147, 148, 326 r/w 149 IPC. By virtue of the said order, the court below dismissed the petition, which was filed by the petitioner to recall PW13.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the 1<sup>st</sup> respondent as well as the counsel for the other respondents.

3. The counsel for the other respondents submits that the cause in this petition does not survive in view of dismissal of CrI.P.No.5011 of 2011.

4. This court also opines that when the purpose for recalling the witness is to mark the documents and when the petition filed to call for the documents is dismissed, the question of recalling the witness does not arise and hence, the cause in this petition no longer survives for consideration.

5. Accordingly, the Criminal Petition is dismissed. Interim stay granted by this court on 23.06.2011 in CrI.P.M.P.No.5065 of 2011 shall stand vacated.

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

August 23, 2018  
LMV

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T. RAJANI, J

