

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Transfer Criminal Petition No.154 of 2018

ORDER:

Heard the learned counsel for petitioner, the learned Additional Public Prosecutor representing the respondent No.1-State and the learned counsel for the respondents 2 to 5, and perused the remarks of the learned Magistrate received pursuant to the order of another Bench of this Court, as observed in the docket proceedings dated 03.12.2018 of there is no fault of the learned Magistrate in conducting the proceedings. Even from the submission of evidence of the witnesses abruptly closed by the learned Magistrate concerned, the docket proceedings shows the summons issued and not secured it is after four adjournments from the failure of the prosecution to secure the witnesses- LWs 1 to 3 the evidence was ultimately closed.

2. The petitioner is no other than the *de facto* complainant and LW1. He did not even choose to come to witness box having observed the Court proceedings also of LWs 4 to 6 for not securing on the summons. However, to sub-serve the ends of justice by invoking Section 482 Cr.P.C. r/w Section 311 Part-II Cr.P.C. and Section 165 Evidence Act, this Court while disposing of the Transfer Criminal Petition rather than dismissal by setting aside the closed order of the evidence of prosecution witnesses and by directing the learned Magistrate to permit their examination.

With the above observations, this Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

04.12.2018
MVA

Dr. B. SIVA SANKARA RAO, J

