

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION Nos.3687, 3688 AND 3689 OF 2013

COMMON ORDER:

All these Criminal Petitions, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') are preferred by the petitioner - accused officer, seeking to quash the order, dated 21.03.2013, in CrI.M.P. Nos.112 of 2013, 137 of 2013 and 88 of 2013 in Calendar Case No.9 of 2006, passed by the learned Special Judge for SPE & ACB Cases, Hyderabad, respectively.

2. CrI.M.P. Nos.112 and 137 of 2013 are filed by the petitioner - accused officer under Section 311 of the Code to recall PW.56 and DW.15, respectively, while CrI.M.P. No.88 of 2013 is filed to receive the list of defence witnesses for their examination.

3. The trial Court, while considering that abundant time was granted to examine the said witnesses, and that the petitions were filed at belated stage, dismissed the said petitions. Aggrieved by the said orders, the petitioner – accused officer preferred the present petitions.

4. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for the ACB Cases.

5. Perused the material on record. There is absolutely no error in the impugned order. But, in the interest of justice, the request of the petitioner's counsel that an opportunity may be given, is considered, and this Court opines that fixing a date for examination of the proposed

witnesses and for recalling PW.56 for further cross-examination and DW.15 for further examination would meet the ends of justice.

6. In view of the above, the impugned orders passed by the trial Court are set aside and PW.56 and DW.15 are permitted to be recalled. PW.56 shall be issued summons to be present in the Court on or before 20.11.2018 and DW.15 shall also be presented in the Court on the said day, by the petitioner and his examination shall be completed on the same day. In any case, the examination of PW.56 and DW.15 shall be completed by 20.11.2018. The inability of DW.15 to attend the Court by 20.11.2018 shall not be a ground for postponement of the examination and the right to examine him shall stand forfeited. However, the public prosecutor shall secure the presence of PW.56 by 20.11.2018. If there is any failure on the part of the prosecution, the petitioner shall be given an opportunity to cross-examine at a later date. Likewise, the additional witnesses cited by the petitioner also shall be presented as per the dates indicated and the failure would forfeit the right of examining them. The petitioner is further directed to examine all the additional witnesses mentioned in the list from 22.11.2018 on day-to-day basis. The trial Court is also directed to pre-pone the Calendar Case No.9 of 2006 for the purpose of examining the said witnesses as indicated in the order.

7. With the above direction, all these Criminal Petitions are allowed.

Consequently, Miscellaneous Petitions, if any, pending in all the Criminal Petitions stand closed.

SMT. T. RAJANI, J

November 14, 2018

Note:

Furnish C.C. of order today itself.
(B/O.)Mgr

