

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CRIMINAL PETITION No.13433 of 2018

ORDER:

The Criminal Petition is filed under Section 482 Cr.P.C. by the petitioners/ A1 to A4 seeking to quash the order dated 20.11.2018 in CrI.MP.No.985 of 2018 in S.C.No.46 of 2016 passed by the Special Judge for Trial of Offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum- VII Additional District and Sessions Judge, Prakasam District, Ongole.

2. Heard both sides.
3. The order of the lower Court, no doubt, supported by reasons running in five pages with twelve paras, is liable to be set aside for the sole ground, there is no cross examination of P.W.3 by accused, which is essential for just decision under second limb of Section 311 Cr.P.C. r/w Section 165 of the Indian Evidence Act, that could have been considered, which is subject to any costs to impose, thereby, set aside by allowing the application permitting recall of PW.3 for cross examination on any date fixed by the lower Court, which is subject to payment of costs of Rs.3,000/- (Rupees three thousand only) to the Army Welfare Fund and file proof before the lower Court within one week from the date of receipt of copy of this order.

4. Accordingly, the Criminal Petition is allowed setting aside the order dated 20.11.2018 in CrI.MP.No.985 of 2018 in S.C.No.46 of 2016 passed by the Special Judge for Trial of Offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum- VII Additional District and Sessions Judge, Prakasam District.

5. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 15.12.2018

Note:

Issue C.C. on 17.12.2018.

B/o.

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