

HONOURABLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.165 of 2019

ORDER:

Leave about the defacto complainant not even impleaded as respondent to the criminal petition filed by the petitioners/accused Nos.2 to 6 impugning the order of the lower Court (I Additional District & Sessions Judge, Adilabad) dated 20.12.2018 in CrI.M.P.No.838 of 2018 in the pending Spl.SC.No.65 of 2015 for the offences punishable under Sections 366-A, 376, 372, 506 r/w 109 IPC, Sections 4 & 17 of Prevention of Children from Sexual Offences Act 2012 (POCSO Act) and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006, outcome of crime No.68 of 2014 of Kerameri Police Station, Adilabad, dated 20.12.2014, from the police final report after investigation and from the cognizance and after framing of charges and denial of truth of the same by the accused, the accused were put to trial and in the course of trial already prosecution witnesses examined as PWs.1 to 4 and it is coming for Section 313 Cr.P.C. examination of the accused and at this stage accused file the petition supra for recall of PWs.1, 2 & 4 stating the earlier cross examination of them was insufficient to prove the defence thereby necessary to recall to put some important questions. The same after contest dismissed by the impugned order of the learned Special Judge supra with observation that it is not the case of the learned counsel for the accused that they did not cross examine any of the 3 witnesses for they were cross examined at length and not stated any where in the entire cross examination or even in the petition on what aspects they need to further cross examine any of the witnesses

and it is stated that they could not extract the truth and thereby to be recalled is as vague as anything and cannot be for the sake of asking to allow the petition under Section 311 Cr.P.C. is meant.

From perusal of the impugned order, there is nothing to interfere, but for liberty if at all any specific questions to be asked to any of the witnesses by mentioning in a sealed cover what are the questions to be put for the Court to consider therefrom any relevancy if at all either within the Section 311 part-I or under Section 311 part-II Cr.P.C. to decide on own merits.

Accordingly and in the result, this Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 14.02.2019
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