

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1136 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed aggrieved by the order, dated 08.01.2019, in CrI.M.P.No.1045 of 2018 in Spl.S.C.No.107 of 2016 on the file of I Additional District and Sessions Judge, Adilabad, whereunder and whereby the application filed under Section 311 Cr.P.C., to recall P.W.7 for further cross-examination was dismissed.

2. Heard learned counsel for the petitioner/accused and the learned Additional Public Prosecutor appearing for the respondent-State. Perused the record.

3. Learned counsel for the petitioner/accused would submit that the further cross-examination of P.W.7 is necessary, but the Court below erroneously passed the impugned order in dismissing the application and ultimately, prayed to set aside the impugned order and allow the application.

4. In an application filed under Section 311 Cr.P.C., to recall P.W.7 before the Court below, simply a mention is made that P.W.7 is required for further cross-examination. Not a single reason has been assigned in the application. As seen from the deposition of P.W.7, she was extensively cross-examined by the Court below. There is no material to substantiate that the further cross-examination of P.W.7 is essential for just decision of the Court below. This aspect has been elaborately dealt with by the Court

below. The Court below is justified in dismissing the application.
There is nothing to take a different view.

5. Hence, the Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this criminal petition shall stand closed.

Dr. SHAMEEM AKTHER, J

FEBRUARY 26, 2019
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Date:26.02.2019

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