

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION NO.1045 OF 2019

ORDER

The petitioner is the accused in C.C.No.178 of 2017 on the file of the learned I Special Magistrate, Hyderabad. It filed this petition under Section 482 CrPC aggrieved by the Docket Order dated 05.11.2018 passed by the Court below in the said case refusing its request for further time to complete the cross-examination of P.W.1.

Heard Sri G.Ravi Chandran, learned counsel for the petitioner, and Sri P.Ramulu, learned counsel representing Sri D.V.Chalapathi Rao, learned counsel for the first respondent.

Perusal of the record reflects that the Court below passed order dated 04.10.2018 in CrI.M.P.No.2193 of 2018 in C.C.No.178 of 2017 granting a final opportunity to the petitioner/accused to complete the cross-examination of P.W.1 by 05.11.2018. The said CrI.M.P. was filed by the petitioner herein under Section 311 CrPC to reopen the evidence of P.W.1 and permit his cross-examination. By the order dated 04.10.2018, the Court below took note of the fact that the cross-examination of P.W.1 had been completed in part on 14.08.2018 but no steps were taken to complete the cross-examination. However, being of the opinion that finality should be given to the case, the Court below allowed the petition on payment of costs of Rs.800/- to P.W.1 subject to completion of the cross-examination on 05.11.2018. The Court below also ordered that in the event of default, its order would be rendered non-est.

Sri G.Ravi Chandran, learned counsel, would state that certain documents came to light which required more preparation and that was

the reason why the learned counsel for the petitioner/accused sought further time on 05.11.2018 to complete the cross-examination of P.W.1. However, the Court below took note of its conditional order dated 04.10.2018 and rejected the request of the petitioner for further time.

In the light of the aforestated circumstances, it is clear that the petitioner was afforded more than ample opportunity to complete the cross-examination but for one reason or the other it did not complete the said cross-examination. However, to give a quietus to the matter, this Court is of the opinion that one last opportunity should be afforded to the petitioner to complete the cross-examination of P.W.1.

The criminal petition is accordingly allowed on payment of costs of Rs.2,000 (Rupees two thousand only) to P.W.1 on or before 26.04.2019. Upon production of proof of the same and filing of an appropriate application, the Court below shall take up the case on the said date for completion of the cross-examination of P.W.1. Sri G.Ravi Chandran, learned counsel for the petitioner, takes notice of the date and undertakes that his client would not ask for any further adjournment.

16th APRIL, 2019

SANJAY KUMAR, J

Note: Issue C.C. by tomorrow.
B/ o SvV