

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1163 of 2019

ORDER:

This Criminal Petition, under Section 482 of Cr.P.C., is filed by the State of Telangana, seeking to quash the order, dated 07.01.2019, passed in CrI.M.P.No.7677 of 2018 in C.C.No.796 of 2004 on the file of the VI Additional Chief Metropolitan Magistrate, Hyderabad, whereby, the petition filed by the State to recall and examine L.Ws.8, 9, 11, 13, 15 to 30, 32 to 57, 59 and 60, was dismissed.

2. Heard the learned Additional Public Prosecutor representing the petitioner-State and perused the record.

3. As seen from the record, the subject Calendar Case pertains to the year 2004. Several opportunities were given to the prosecution to get the witnesses and examine them. P.W.1 was examined on 05.09.2011 and the last witness (P.W.12) was examined on 27.06.2018 before the Court below. Thereafter, in spite of affording several opportunities, the prosecution could not get the witnesses and examine them. Therefore, the Court below dismissed the application filed by the prosecution to recall and examine L.Ws.8, 9, 11, 13, 15 to 30, 32 to 57, 59 and 60.

4. As seen from the record, ample opportunity was given to the prosecution to summon the witnesses and examine them. The subject Calendar Case is an old pending case. About one

and half decades have elapsed since the institution of the subject Calendar Case. There is no hope that the prosecution would summon the witnesses and examine them. The subject application was filed before the Court below without material and substance. Under these circumstances, there is no justification to consider this application.

5. Hence, the Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

26th February, 2019
Bvv

Dr. SHAMEEM AKTHER, J

