

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1763 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to quash the order, dated 18.02.2019, passed in CrI.M.P.No.993 of 2018 in CrI.A.No.1178 of 2016 on the file of the Special Judge for Trial of Offences under SCs. & STs. (POA) Act – cum – VI Additional Metropolitan Sessions Judge, Secunderabad.

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

3. Learned counsel for the petitioner/accused would contend that examination of the Stamp Vendor is necessary to substantiate that the stamp paper, on which Ex.P4 – Undertaking Bond was executed, was not purchased by the petitioner/accused and ultimately, prayed to allow the petition.

4. It is pertinent to state that CrI.M.P.No.993 of 2018 was filed during pendency of the Criminal Appeal. There is no record to substantiate that the petitioner/accused made any effort before the trial Court to summon the Stamp Vendor and examine him on his behalf. Furthermore, the plea to examine the Stamp Vendor is raised at appellate stage only. Nothing prevented the

petitioner/accused to put forth his defence before the trial Court in C.C.No.125 of 2015. There is record to show that the petitioner/accused was examined as DW.1 in the said Calendar Case. After examining the witnesses on his behalf, his evidence was closed. It appears from the record that the present Miscellaneous Petition is filed only to prolong the proceedings. There is no force in the statement made on behalf of the petitioner/accused. The petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

March 29, 2019.
MD