

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1852 OF 2019

ORDER:

This Criminal Petition is filed under Section 482 of the Criminal Procedure Code, 1973 (for short 'Cr.P.C.'), by the petitioners/Accused Nos.1 and 2 seeking to set aside the order dated 22.03.2019 passed in CrI.M.P.No.5 of 2019 in S.C.No.205 of 2018 by the learned Assistant Sessions Judge, Jagityal.

2. Heard arguments of Sri Bethi Venkateshwarlu, learned counsel for the petitioners/A.1 and A.2, learned Additional Public Prosecutor representing the respondent No.1/State and perused the record.

3. Learned counsel for the petitioners/A.1 and A.2 contended that earlier counsel for the petitioners before the court below did not properly conduct the cross-examination of PWs.1, 2, 4, 6 and 8 and so the petitioners wanted to further cross-examine those witnesses and ultimately, prayed this Court to allow the Criminal Petition by setting aside the impugned order.

4. On the other hand, learned Additional Public Prosecutor supported the impugned order and prayed to dismiss the petition.

5. As per the material placed on record, PWs.1 to 8 were examined in chief and cross and the prosecution evidence was closed on 25.02.2019. Thereafter, the petitioners filed the impugned application to recall PWs.1, 2, 4, 6 and 8 for further

cross-examination. No specific reason was assigned to further cross-examine the said witnesses. It was only contended that the earlier counsel did not properly cross-examine the said witnesses and so the petitioners/A.1 and A.2 wanted to further cross-examine them. Firstly, there are no justifiable reasons why PWs.1, 2, 4, 6 and 8 be called for further cross-examination. Secondly, change of Advocate is not at all a ground to recall PWs.1, 2, 4, 6 and 8 for further cross-examination. It appears, the application to recall the prosecution witnesses was filed only to protract the proceedings. There are no justifiable reasons to interfere with the impugned order. The petition is devoid of merit and liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any pending, shall stand closed.

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Dr. JUSTICE SHAMEEM AKTHER

Date: 29.04.2019

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