

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL PETITION No. 3383 OF 2019

ORDER:

The petitioner challenges the order dated 04.06.2019 in CrI.M.P.No. 293 of 209 in C.C.No. 226 of 2015 on the file of the Court of the XVI Special Magistrate, Hyderabad, whereby the opportunity to cross-examine the complainant –P.W.1 was forfeited.

The case of the petitioner – accused is that on 18.03.2019 on account of some miscommunication, though his counsel requested for Passover, the Court below had closed the cross-examination.

Learned counsel for the petitioner submits that it was more on account of miscommunication between his counterpart and his junior counsel in the Court below, on account of which, the petitioner should not suffer as he would be deprived of his opportunity to cross-examine P.W.1. However, he requests this Court to take a lenient view and allow the Petition on terms, with an assurance that on the next date of trial, the petitioner would take necessary steps for completing the cross-examination of P.W.1.

Having regard to the facts of the case and having considered the assurance given by the learned counsel for the petitioner, this is a fit case to give an opportunity to the petitioner, but however, on certain terms.

Since the Calendar Case is of 2015, instead of issuing notice to the 1st respondent, this Court can as well dispose of this Petition, at this stage, giving an opportunity to the petitioner to cross-examine the complainant – P.W.1, on the following terms:

- 1) the petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the 1st respondent / his counsel and file proof in receipt thereof before the Court below on or before 15.07.2019; and
- 2) as the matter is listed on 25.07.2019, the 1st respondent shall be present on that day and the petitioner shall complete the cross-examination without fail, subject to convenience of the Court below. In default, the Court below shall be at liberty to proceed with the matter in accordance with law.

The Criminal Petition is accordingly, disposed of.

CHALLA KODANDA RAM, J

28th June 2019

Issue CC in two days.
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