

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 3538 of 2019

ORDER:

1. The present Criminal Petition is filed under Section 482 Cr.P.C., aggrieved by the order dated 27.03.2019 passed in CrI.M.P.No.695 of 2019 in C.C.No.440 of 2016 on the file of the Chief Metropolitan Magistrate, Nampally Court, Hyderabad, wherein an application filed to recall PWs.1 and 2 for cross-examination was dismissed.

2. The facts in issue disclose that a charge sheet came to be filed against the petitioner and others for the offences punishable under Section 353 and 332 IPC. It is stated that some important points are not elicited during the cross-examination of PWs.1 and 2, who are Government Doctors. Hence, the petitioner filed an application under Section 311 Cr.P.C. to recall PWs.1 and 2 for cross-examination.

3. The learned Assistant Public Prosecutor opposed the petition contending that at present PWs.1 and 2 are not working in Hyderabad.

4. After considering the rival submissions, the learned Magistrate rejected the said petition. Challenging the same the present Criminal Petition is filed.

5. Having regard to the facts and circumstances of the case, the Criminal Petition is disposed of recalling PWs.1 and 2 in C.C.No.440 of 2016 on the file of the Chief Metropolitan Magistrate, Hyderabad, for further cross-examination, subject to the condition of petitioner depositing one day T.A. and D.A. to PWs.1 and 2, on such deposit, the trial Court shall fix a date for appearance of PWs.1 and 2, on which date the learned counsel for the petitioner shall cross-examine them. It is

also made clear that the petitioner shall not seek further adjournment on the date when both the witnesses present before the Court for their cross-examination.

6. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand dismissed.

JUSTICE G. SRI DEVI

03.07.2019

Note: Issue C.C. tomorrow.

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