

HON' BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION Nos. 4296 and 4297 of 2019

COMMON ORDER:

1. Criminal Petition No.4296 of 2019 is filed under Section 482 of Cr.P.C., aggrieved by the order, dated 10.04.2019 passed in CrI.M.P.No.456 of 2019 in C.C.No.837 of 2018 on the file of the II Additional Chief Metropolitan Magistrate, Hyderabad, wherein and whereunder a petition filed by the State through Public Prosecutor under Section 311 of Cr.P.C. to recall P.W.1, was dismissed.
2. Criminal Petition No.4297 of 2019 is filed under Section 482 of Cr.P.C., aggrieved by the order, dated 10.04.2019 passed in CrI.M.P.No.457 of 2019 in C.C.No.837 of 2018 on the file of the II Additional Chief Metropolitan Magistrate, Hyderabad, wherein and whereunder a petition filed by the State through Public Prosecutor under Section 242 (3) of Cr.P.C. to receive the certified copy of charge sheet filed against accused No.2 in Crime No.251 of 2016, registered for the offences punishable under Sections 3 and 4 of the Gaming Act, was dismissed.
3. Since the issue in both the Criminal Petitions is inter connected, the same are being disposed of by way of this common order.
4. The facts in issue are that a charge sheet came to be filed against the respondents/ accused for the offences punishable under Sections 447, 427 and 506 of I.P.C., which

was taken on file and pending vide C.C.No.837 of 2018. During pendency of the C.C., the State represented by Public Prosecutor filed two applications, out of which one is to receive the certified copy of charge sheet filed against accused No.2 in Crime No.251 of 2016 for the offences punishable under Sections 3 and 4 of the Gaming Act and another one is to recall PW.1 for marking the said document. After considering the material available on record, the learned Magistrate dismissed both the applications. Challenging the same, the present Criminal Petitions are filed.

5. Heard learned Additional Public Prosecutor appearing for the petitioner and learned Counsel appearing for the respondents/ accused.

6. The learned Additional Public Prosecutor would submit that the document which is sought to be received is very important to prove the prosecution case beyond reasonable doubt. He further submitted that the said document will prove the criminal character of accused.

7. Learned Counsel appearing for the respondents/ accused would submit that the document which is sought to be received is no way concerned to the present case and only to prolong the case the present applications are filed at the stage of arguments without any merits.

8. A perusal of the material on record would show that the document which is sought to be received is the certified copy of the charge sheet filed against accused No.2 in Crime No.251 of 2016 for the offences punishable under Sections 3 and 4 of the Gaming Act. The said document is no way helpful to the prosecution to prove their case as the same is not connected to the facts of the present case. Apart from that PW.1 was cross-examined in the year 2014 itself and now the case is posted for arguments. If the said document is necessary, nothing is prevented the prosecution to file the said document at the earliest point of time. Hence, this Court is of the view that there is no illegality or irregularity in the impugned orders passed by the trial Court and there are no grounds warranting interference by this Court.

9. Accordingly, both the Criminal Petitions are dismissed. Miscellaneous petitions, if any, pending shall stand dismissed.

JUSTICE G. SRI DEVI

18.11.2019
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