

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10969 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the order, dated 17.04.2018, passed in CrI.M.P.No.4085 of 2017 in C.C.No.248 of 2013 on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad.

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

3. In the course of submissions, it is brought to the notice of this Court that P.Ws.1 to 3 were not cross-examined by the petitioner/accused. The petitioner/accused is being prosecuted for the offence punishable under Section 304-A IPC. To find out the truth or otherwise of the allegations made against the petitioner/accused, the cross-examination of P.Ws.1 to 3 is essential.

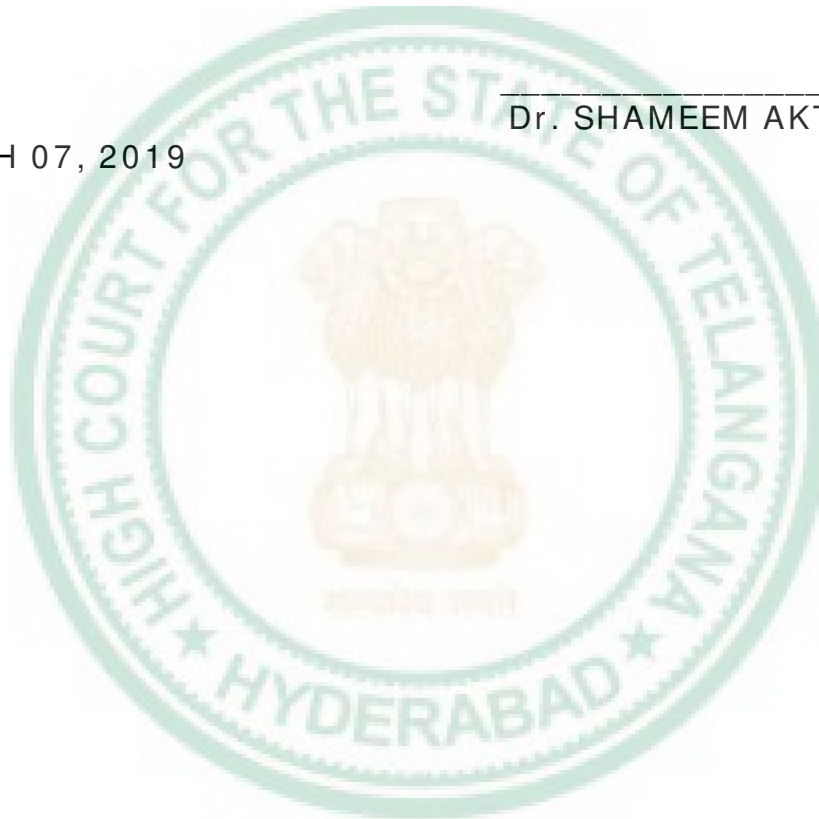
4. There is no doubt, there are laches on the part of the petitioner/accused in cross-examining the witnesses i.e., P.Ws.1 to 3. However, to meet the ends of justice, an opportunity can be given to the petitioner/accused to put forth his case. Under these circumstances, the impugned order, dated 17.04.2018, is liable to be set aside.

5. Accordingly, the Criminal Petition is allowed setting aside the order, dated 17.04.2018, passed in CrI.M.P.No.4085 of 2017 in C.C.No.248 of 2013 on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad, and the petitioner/accused is permitted to cross-examine P.Ws.1 to 3 within two (2) months from today.

Miscellaneous Petitions, if any, pending in this criminal petition case shall stand closed.

MARCH 07, 2019
YVL

Dr. SHAMEEM AKTHER, J



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Date:07.03.2019

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