

THE HON'BLE JUSTICE G.SRI DEVI
CRIMINAL PETITION No.1402 of 2020

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed by the petitioners-A1 and A2 challenging the order, dated 27.01.2020 in CrI.M.P.No.82 of 2020 in C.C.No.673 of 2012 on the file of the VI Addl. Chief Metropolitan Magistrate, Hyderabad.

2. Heard the learned counsel for the petitioners and the learned Addl. Public Prosecutor representing the State.

3. The petitioners herein filed the above CrI.M.P.No.82 of 2020 under Section 311 Cr.P.C. to reopen the evidence of P.Ws. 4 and 5 for the purpose of cross-examination. The learned Chief Metropolitan Magistrate, vide impugned order dismissed the petition. Hence, this petition.

4. The learned Magistrate while dismissing the petition observed that the C.C. is of the year 2012, that the examination of the accused under Section 313 Cr.P.C. was completed on 13.09.2019 and the present petition is filed by the accused on 15.10.2019 i.e., after one and half years of examination of P.W.4 and 7 months of examination of

P.W.5 and the reasons mentioned in the petition were found to be not satisfactory.

5. Admittedly, the petitioners are facing prosecution for the offence punishable under Section 325 IPC. P.W.4 is the doctor, who has examined the injured and P.W.5 is the Investigating Officer. These two witnesses are crucial witnesses, whose cross-examination could not be done by the accused for the reasons stated in the petition. The cross-examination of these witnesses is necessary to secure the ends of justice. Therefore, the order, dated 27.01.2020 in CrI.M.P.No.82 of 2020 in C.C.No.673 of 2012 on the file of the VI Addl. Chief Metropolitan Magistrate, Hyderabad, is liable to be set aside and the same is set aside. The learned Magistrate is directed to recall the aforesaid two witnesses by fixing one date for their cross-examination and the learned counsel for the petitioners-A1 and A2 shall complete the cross-examination of these two witnesses on the same day and thereafter, the learned Magistrate shall proceed with the case in accordance with law. The petitioners-A1 and A2 are directed to appear before the concerned Court positively by 10.03.2020 and shall furnish a certified copy of this order.

6. Accordingly, this Criminal Petition is disposed of.
As a sequel, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G.SRI DEVI

DATED: 27.02.2020

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