

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL REVISION CASE No.662 of 2022

O R D E R:

This Criminal Revision Case is filed by the petitioner/accused No.1 under Section 397 and 401 of the Criminal Procedure Code, 1973 aggrieved by the Order dated 21.09.2022 passed in CrI.M.P.No.661 of 2022 in C.C.No.34 of 2017 on the file of the learned Judicial First Class Magistrate, Zaheerabad, wherein the petition filed under Section 311 of Criminal Procedure Code for recalling PW1 for further cross examination, was dismissed by the trial Court.

02. Heard Sri Mirza Nisar Ahmed Baig, learned counsel for the petitioner as well as Sri S. Ganesh, learned Assistant Public Prosecutor for the State/Respondent and perused the record.

03. It is submitted by the learned counsel for the petitioner that he is intending to pose some more questions to PW1 in the cross-examination as to how he has been managing to discard the medical and pharma waste and

whether he has registered with Pollution Control Board and that how he has been maintaining the medical records etc.,.

04. Learned Assistant Public Prosecutor has submitted that he was given ample opportunity to cross-examine PW1 in respect of offences punishable under Sections 448, 427 and 506 of the Indian Penal Code for which he was charged and that all the questions which the petitioner intend to put are not relevant. Hence sought for dismissal of the same.

05. Perused the order passed by the trial Court dated 21.09.2022 in CrI.M.P.No.661 of 2022 in C.C.No.34 of 2017. During the course of hearing, the learned counsel for the petitioner that he may be permitted to confine his further cross-examination only to the questions of the charges levelled against the petitioner.

06. Considering the circumstances, on hearing both sides, this Criminal Revision Case is partly allowed with a direction to the trial Court to permit the petitioner to further cross-examine PW1 only in respect of relevant aspects

relating to the offences under Sections 448, 427 and 506 of the Indian Penal Code. However, the trial Court is at liberty to decline the questions put by the petitioner in respect of other issues, other than charges framed against the petitioner.

07. With the above directions, this Criminal Revision Case is partly allowed. There shall be no order as to costs.

As a sequel, pending Miscellaneous Applications in this matter, if any, shall stand closed.

Date: 28-Dec-2022
KHRM

DR. D.NAGARJUN, J

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