

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 11107 OF 2022

Between:

Mohammed Jameel, S/o. Mohammed Gouse Qureshi, Aged about 45 years,
Occu Butcher Business, R/o. H. No. 17- 5- 560, Near Bini Saab Ka Bangalow,
Dabeerpura, Hyderabad.

...Revision Petitioner/Respondent

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of at Hyderabad.
2. Smt. Mohammadi Begum, W/o. Mohd. Jameel Aged about 35 years, Occu Housewife, R/o. H. No. 1- 11- 5951/F, Begumpet. Secunderabad.
3. Baby Bushra Fatima, D/o. Mohd. Jameel Aged about 13 years, R/o. H. No. 1- 11- 5951/F, Begumpet. Secunderabad.
4. Baby Shaita Mehrooq, D/o. Mohd. Jameel Aged about 10 years, R/o. H. No. 1- 11- 5951/F, Begumpet, SecUnderabad.
5. Master Fahad, D/o. Mohd. Jameel Aged about 7 years, H. No. 1- 11- 5951/F, Begumpet, Secunderabad.

Petitioners 2 to 4 are represented by their natural Guardian and Mother

...Respondent/Petitioner

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to set aside the order passed by the Family Court Secunderabad in CrI. M. P. No. 301/2022 in M. C. No. 40/2018, in dismissing the petition filed by the petitioner to further cross examine him as RW 1 to put forth some important facts and technical questions for fair adjudication of the matter and consequently allow the petition filed by the petitioner to re- examine him as RW 1 in M. C. No. 40/2018 on the file of Family court, Secunderabad.

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in M. C. No. 40/2018 on the file of Family Court, Secunderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri M. SALEEM, Advocate for the Petitioner and of the Additional Public Prosecutor (TG) on behalf of the Respondent No. 1 and none appeared for the Respondent Nos. 2 to 5.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.11107 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner - respondent seeking to set aside the order dated 28.11.2022 passed in Crl.M.P.No.301 of 2022 in M.C.No.40 of 2018 by Judge, Principal Family Court, City Civil Court at Secunderabad and consequently to allow the petition filed by the petitioner to re-examine him as RW1 in M.C.No.40 of 2018.

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

3. The petitioner - respondent is the husband of 2nd respondent-complainant and father of respondent Nos.3 to 5. The petitioner has filed his chief affidavit when the evidence of respondent was called for and an Advocate Commissioner was appointed for recording his cross examination. After completion of recording the cross examination of respondent, Advocate Commissioner filed his report.

4. The main grievance of the petitioner is that the Court has refused to take his objections regarding the report of Advocate Commissioner. He further submits that he was a layman and he signed on the cross examination without having knowledge about the contents of his statement.

5. Since the petitioner has signed on the deposition recorded by the Advocate Commissioner, it can be safely presumed that the contents of the said cross examination are to the knowledge of the petitioner.

6. However, in the interest of justice, this Court deems it appropriate to direct the concerned Court to place on record the objections filed by this petitioner regarding the report of Advocate Commissioner. If the petitioner fails to file his objections regarding the report of Advocate Commissioner on the next date of hearing, the liberty given to this petitioner for filing such objections would stand cancelled.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/-K.SHYLESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Family Court, Secunderabad.
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
3. One CC to Sri M. SALEEM, Advocate [OPUC]
4. Two CD Copies.

njb

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HIGH COURT

DATED:14/12/2022



ORDER

CRLP.No.11107 of 2022

DISPOSING OF THE CRIMINAL PETITION.

⑦ Copies

Sm
9/01/2023