

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 214 OF 2023

Between:

Indukuri Sai Bapi Raju, S/o IRK Raju

...PETITIONER/DEFACTO COMPLAINANT

AND

1. The State of Telangana, Rep by its Public Prosecutor, Rep by P.S. Raidurgam.

...RESPONDENT/RESPONDENT

2. Sriperumuduru Ravi Chandra, S/o Satyanarayana, Aged 32 Years, Occ. IBM Employee, R/o H 2-4- 123 /J/2/A, Andalu Nilayam Street No. 8, Padmavathi Colony, Uppal Hyderabad

...RESPONDENT/ACCUSED

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 quash the order dated 02/01/2023 in CrI. M.P. No. 1437 of 2022 in C.C. No. 1006 OF 2015 Honble PJCJ cum- XIII Addl. Metropolitan Magistrate at Rajendra Nagar.

I.A. NO: 1 OF 2023

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 dispense with filing of certified copy of order in CrI. M.P. No. 1437 of 2022 in C.C. No. 1006/2015 on the file of the Hon'ble PJCJ-cum- XIII A.M.M. at Rajendranagar, dt.02.01.2023.

I.A. NO: 2 OF 2023

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 of all further proceedings C.C. No. 1006 of 2015 on the file of the Hon'ble PJ CJ cum- XIII Addl. Metropolitan Magistrate at Rajendra Nagar, pending disposal of above quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K V L JAYASIMHA, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.214 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-*de facto* complainant to quash the order dated 02.01.2023 in Crl.M.P.No.1437 of 2022 in C.C.No.1006 of 2015 passed by the Principal Junior Civil Judge cum XIII Additional Metropolitan Magistrate at Rajendranagar, dismissing the petition filed under Section 311 of Cr.P.C. for examining LW4.

2. According to the prosecution case, LW4 is a material witness for the reason of the crime vehicle which was driven by the accused at the time of accident is in the name of father of LW4. On the date of incident, the crime vehicle which was driven by LW4 to her working place, was forcibly taken by the accused and drove the vehicle in such a manner causing accident and death of the deceased. The application to examine LW4 was filed by the father of the deceased.

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

4. Learned counsel for the petitioner would submit that the Court has committed an error in dismissing the application when the evidence of LW4 is crucial to the case of the prosecution. Secondly, as stated in the order that the prosecution wanted to reopen the evidence is incorrect, in view of the docket order dated 16.08.2022, wherein the Court has issued fresh summons to LW4.

5. When questioned by this Court, the learned counsel for the petitioner would submit that there are eye witnesses to the said accident and they have identified the accused in the Court as the person causing accident resulting in death of the deceased.

6. In the said circumstances, when there is already evidence with respect to the accused driving the vehicle and causing accident, no useful purpose would be served by examining this witness. Hence, in my view there are no grounds to interfere

with the order of the learned Magistrate and the present Criminal Petition is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- G. SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The PJ CJ cum- XIII Additional Metropolitan Magistrate at Rajendra Nagar
2. The II Additional Junior Civil Judge -Cum-XIII Addl. M.M at Rajendranagar
3. The XXIII Metropolitan Magistrate at Rajendranagar
4. The II Additional Junior Civil Judge-Cum-XVI Additional Metropolitan Magistrate, Cyberabad.
5. The Station House Officer, Raidurgam Police Station, Cyberabad
6. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI. K V L JAYASIMHA Advocate [OPUC]
8. Two CD Copies

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HIGH COURT

KS, J

DATED: 20/01/2023

ORDER

CRLP.No.214 of 2023



Dismissing the Criminal Petition

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7/2/23
HVR