

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

**TUESDAY , THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 1972 OF 2019

Between:

1. T.Surendernath Singh, s/o Ranjith Singh, aged about 58 yrs, Occ Business r/o 1-54, Maharaja Function Hall, Peerzadiguda, Medipally (M) dist Medchal-Malkajgiri

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana, Rep by its Public Prosecutor High Court of Telangana at Hyderabad
2. B.Shanker, S/o Komaraiah, aged about 60 yrs, Occ Business r/o 2-9-77, Bharath Nagar Colony Uppal, Hyderabad

...RESPONDENT/COMPLAINANTS

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 Orders, dated 28-02-2019 in CrI. M.P.No 144 of 2019 in CC No 27 of 2018 on the file of the VIIth Special Magistrate, Hastinapuram, LB Nagar, Ranga Reddy

I.A. NO: 1 OF 2019

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 C.C. No. 27/2018 On the file of the VIIth Special Magistrate, Hastinapuram, LB Nagar, pending disposal of the main criminal petition in the interest of justice

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 vacate the interim Order dated 15/04/2019 passed in

I.A.No.1 of 2019 in CRL.P.NO.1972 OF 2019 and dismiss the Criminal Petition in the interest of justice

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T V KALYAN SINGH ,Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and of Sri MAK Mukheed Advocate for the Respondent No. 2

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.1972 OF 2019

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner to quash the order dated 28.02.2019 in CrI.M.P.No.144 of 2019 in C.C.No.27 of 2018 on the file of the learned VII Special Magistrate, Hasthinapuram, L.B.Nagar.

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

3. The petitioner is questioning the order dated 28.02.2019 passed by the learned VII Special Magistrate, Hasthinapuram, L.B.Nagar, allowing the application filed under Section 311 of Cr.P.C to reopen the case and recall PW1 for the purpose of adducing additional evidence. The learned VII Special Magistrate, Hasthinapuram, L.B.Nagar has allowed the application and ordered for recalling PW1 for the purpose of adducing additional evidence of PW1.

4. Learned counsel for the petitioner would submit that nothing is mentioned in the order or the petition filed under Section 311 of

Cr.P.C regarding details of the documents which are sought to be brought on record and in the said circumstances, when the case is at the stage of final arguments, the learned VII Special Magistrate, Hasthinapuram, L.B.Nagar has committed an error in allowing the petition.

5. As seen from the order and also the petition filed under Section 311 of Cr.P.C there are no details as to what are the documents which are sought to be produced and the purpose for such documents are not known, unless details of the documents are given and reasons are also given for not producing the same at an earlier date, the order dated 28.02.2019 passed by the learned VII Special Magistrate, Hasthinapuram, L.B.Nagar for recalling PW1 cannot sustain.

6. Accordingly, the Criminal Petition is allowed and the order dated 28.02.2019 passed in CrI.MP.No.144 of 2019 in C.C.No.27 of 2018 on the file of the learned VII Special Magistrate, Hasthinapuram, L.B.Nagar is hereby quashed directing the learned VII Special Magistrate, Hasthinapuram, L.B.Nagar to dispose of the case within one month from the date of receipt of copy of this order.

Miscellaneous applications pending, if any, shall stand closed.

SD/- T.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VIIth Special Magistrate, Hastinapuram, LB Nagar, Ranga Reddy
2. One CC to SRI. T V KALYAN SINGH Advocate [OPUC]
3. One CC to Sri MAK Mukheed Advocate[OPUC]
4. Two CC to PUBLIC PROSECUTOR (TG) Advocate High Court for the state of Telangana [OUT]
5. Two CD Copies

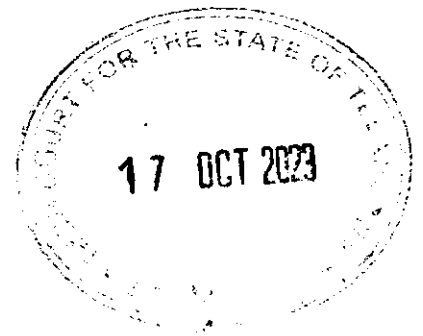
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HIGH COURT

DATED: 05/09/2023



ORDER

CRLP.No.1972 of 2019

ALLOWED

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12/10/23