

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

FRIDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL PETITION NO: 3174 OF 2023

Between:

Sri Peddi Nagesh, S/o Sri Peddi Sadashiv, Aged about 38 years, Occ. business, R/o H No.1-14-615, Dwaraka Nagar, Sirpur Kaghaznagar, K B Asifabad District

...PETITIONER

AND

1. Gopi Setty Anil Kumar, S/o Sri Gopi Setty Babu, Aged about 40 years, Occupation. Business, M/s Manikanta Wines, R/o Koutala, K B Asifabad District.
2. The State of Telangana, rep by its Public Prosecutor, High Court at Hyderabad for the State of Telangana

...RESPONDENTS

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 made in CrI.MP No.473 of 2019 in C.C.No.185 of 2016 dated 13.11.2019 on the file of Judicial Magistrate of First Class at Sirpur and may be pleased to pass orders directing the Judicial Magistrate of First class at Sirpur to permit Sri Pulluri Madhukar, S/o Rangaiah as Petitioner's Special Power of Attorney for giving evidence, statements on behalf of the Petitioner in the C.C.No.185 of 2016 pending on the Judicial Magistrate of First Class at Sirpur, K B Asifabad District.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri VENU CHEGGAM, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.2 and for the Respondent No.1 none appeared.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3174 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 to set aside the order dated 13.11.2019 in CrI.M.P.No.473 of 2019 in C.C.No.185 of 2016 passed by the learned Judicial Magistrate of I Class at Sirpur and to pass orders directing the learned Judicial Magistrate of I Class at Sirpur to permit Sri Pulluri Madhukar S/o Rangaiah as petitioner's Special Power of Attorney for giving evidence, statements on behalf of the petitioner in C.C.No.185 of 2016 pending on the file of learned Judicial Magistrate of I Class at Sirpur, K.B. Asifabad District.

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

3. The petitioner has filed an application before the learned Magistrate praying the Court below to permit Sri Pulluri Madhukar to appear and give evidence on oath as his Special Power of

Attorney. However, the learned Magistrate has dismissed the said application.

4. The petitioner ought to have preferred a Criminal revision against the said order. However, nearly after a period of four years, the present criminal petition has been filed and the inordinate delay of approaching the Court is not explained. Hence, I do not deem it appropriate to adjudicate in the case as the criminal petition is filed with a delay and further, there are no grounds to interfere with the order of the learned Magistrate and the present criminal petition is liable to be dismissed.

5. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Judicial Magistrate of First Class, at Sirpur, K.B.Asifabad District.
2. One CC to Sri Venu Cheggam, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. Two CD Copies

Kj.

CHR

HIGH COURT

DATED:31/03/2023



ORDER

CRLP.No.3174 of 2023

CRL.P. IS DISMISSED.

⑦ CHR
09/05/23