

**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: 3265 OF 2023

Between:

K.V.Narsimha Murty, S/o. Venkanna, Aged. 35 years, Occ. Labour, R/o. Kothapet,
Kodduru, West Godavari, A.P.

...PETITIONER/ACCUSED

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court at Hyderabad.

...RESPONDENT/COMPLAINANT

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 in CrI.M.P.No.33/2023 in SC. No. 385/2023 on the file of Special Sessions Judge for Fast Tracking the Cases relating to Atrocities against Women- I-Cum-X Addl. Metropolitan Sessions Judge, Hyderabad by directing the trial court to recall the PW-1 for further cross examination by the Petitioner in the above said case.

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 stay all further proceedings including the appearance of the petitioner/Accused in S.C No. 385 of 2023 on the file of special sessions judge for fast tracking the cases relating to atrocities against women - I cum - X Addl. metropolitan sessions judge, Hyderabad, pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MOHD MUZAFFER ULLAH KHAN, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO.3265 OF 2023

ORDER:

The Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') by the petitioner/accused aggrieved by the order dated 15.03.2023 in CrI.M.P.No.33 of 2023 in S.C.No.385 of 2023 passed by the learned Special Sessions Judge for Fast Tracking the cases relating to Atrocities against Women - I - cum - X Additional Metropolitan Sessions Judge, Hyderabad.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for respondent - State. Perused the material on record.
3. The petitioner is questioning the dismissal of an application, which is filed under Section 311 of Cr.P.C. The case of the prosecution is that the petitioner had committed rape on the victim, who is examined as PW1. The learned Sessions Judge found that there are no specific reasons for recalling the PW1 for cross examination, hence, the petition was dismissed.

4. Learned counsel for the petitioner has submitted that the entire allegation rests on the fact that rape was committed in Hyderabad. However, no questions were asked regarding their stay in Hyderabad and events that transpired in Hyderabad. The witness was examined on 19.01.2023 and on the very same day cross examination was also conducted. If P.W.1 is cross-examined, the same would be helpful to the petitioner to overcome the allegations of rape.

5. Keeping in view the arguments made by the learned counsel for the petitioner, this Court is inclined to give a chance to the petitioner to cross examine the victim. However, petitioner shall pay an amount of Rs.15,000/- towards costs to PW1 and the cross examination shall be concluded on the very same day on which date PW1 appears.

6. With the above observation, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge for Fast Tracking the Cases relating to Atrocities against Women- I-Cum-X Addl. Metropolitan Sessions Judge, Hyderabad
2. The Station House Officer, Gopalapuram Police Station, Hyderabad District.
3. Two CC to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]

4. One CC to Sri Mohd Muzafferullah Khan, Advocate [OPUC]

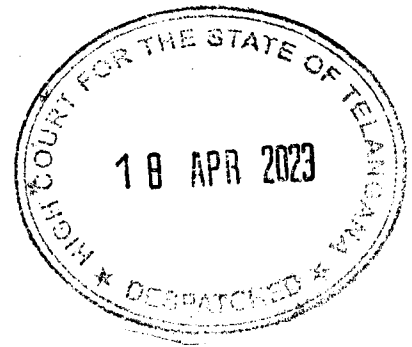
5. Two CD Copies

 **BJLB**

HIGH COURT

DATED:31/03/2023

ORDER



CRLP.No.3265 of 2023

CRIMINAL PETITION IS
DISPOSED OFF

8
with the
for the