

HIGH COURT FOR THE STATE OF TELANGANA

**THURSDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 8551 OF 2018

Between:

A.V.S.S. Viswanath, Occ - Private Employee, R/o. 21-133/2, Plot No. 30,
Panchavati Uttam, Near Safilguda Railway Station, Malkajgiri, Hyderabad.

...PETITIONER/ACCUSED

AND

1. M.V.V. Prasad, Occ - Private Employee, R/o. 12-11-242, Flat No. F1, 1st
Floor, Thirumala Residency, Brahmana Basthi, Warasiguda, Secunderabad.
2. The State of Telangana, Rep by its Public Prosecutor, High Court at
Hyderabad, Hyderabad.

...RESPONDENTS/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 call for the records relating to CrI.M.P.No. 2897/2017 in C.C.No. 180/2016 on the file of the XIX Special Magistrate, Hyderabad and quash the orders in CrI.M.P.No. 2897/2017 in C.C.No. 180/2016 dated 24-01-2018.

I.A. NO: 1 OF 2018

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the affidavit filed herewith, the High Court may be pleased to grant Stay of all further proceedings in C.C.No. 180/2016 on the file of XIX Special Magistrate, Hyderabad including appearance of the Petitioner, pending disposal of the above CrI.P.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P NAGENDRA REDDY, Advocate for the Petitioner, the Public Prosecutor (TG/AP) on behalf of the Respondent No.2 and None Appeared for the Respondent No.1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.8551 OF 2018****ORDER:**

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is filed by the petitioner/accused seeking to quash the order, dated 24.01.2018 passed in CrI.M.P.No.2897 of 2017 in C.C.No.180 of 2016 by the learned XIX Special Magistrate, Hyderabad.

2. Heard learned counsel for the petitioner/accused and learned Assistant Public Prosecutor representing respondent No.2-State.

3. The petitioner/accused filed CrI.M.P.No.2897 of 2017 under Section 311 of Cr.P.C. before the trial Court seeking permission to recall P.W.1 for the purpose of further chief-examination and also for marking of documents.

4. It is the case of the complainant that erroneously the petitioner filed chief-affidavit and documents pertaining to some other case, i.e., C.C.No.215 of 2017 in the present case. Considering the said submission, the learned Magistrate found that chief-affidavit which was earlier filed has been eschewed and permitted to file a fresh chief-affidavit once again along with the documents which were relevant to the case.

5. Learned counsel for the petitioner would submit that once chief-affidavit is filed, there are no circumstances to eschew the chief-affidavit. The very eschewing of the chief affidavit earlier was found fault by this Court and granted stay of all further proceedings in the subject C.C.No.180 of 2016 *vide* order, dated 14.08.2018.

6. Admittedly, the complainant had filed chief-affidavit and documents which do not pertain to the present case. In the said circumstances, this Court deems it appropriate to permit the complainant to adduce evidence. Further, the earlier documents and chief-affidavit shall not be eschewed from evidence since consideration of the earlier chief-affidavit and the documents can be dealt with at the time of final arguments.

7. With the above observations, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

SD/- P.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XIX Special Magistrate, Hyderabad
2. One CC to SRI. P NAGENDRA REDDY Advocate [OPUC]
3. One CC to The Public Prosecutor, High Court, Hyderabad. (OUT)
4. Two CD Copies

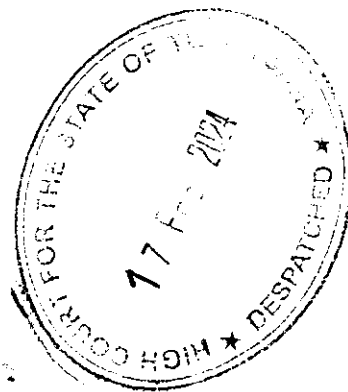
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HIGH COURT

DATED:28/12/2023

ORDER

CRLP.No.8551 of 2018



CRLP. IS DISPOSED OF

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