

HIGH COURT FOR THE STATE OF TELANGANA

**WEDNESDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 6112 OF 2017

Between:

DR.MARGAM PRABHAKAR, S/o.M.Kedari, Aged about 42 years, Occ Medical Practitioner, R/o.H.No.16-1-24/167/3RT, Near Sri Rama Temple, Saidabad Colony, Hyderabad.

...PETITIONER/ACCUSED

AND

- 1. MOHAMMED SHAFI AHMED, S/o.Mohammed Afzal, Age Major, R/o.H.No.17-1-271/3/B, M.B. Hatt, Santoshnagar, Hyderabad.**
- 2. The State of Telangana, Rep. by Public Prosecutor, High Court of Judicature at Hyderabad, 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 impugned Order passed in CrIM.P.No.1119/2017 in C.C.No. 55/2016, dt. 28-06-2017 on the file of Honble The Special Magistrate-V, Hyderabad in the interest of justice.

I.A. NO: 1 OF 2017(CRLPMP. NO: 6231 OF 2017)

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.55/2016 on the file of the Special Magistrate-V, Hyderabad.

I.A. NO: 2 OF 2017(CRLPMP. NO: 8358 OF 2017)

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 extend the interim orders dated 25-07-2017 passed in CrI.MP.No. 6231 of 2017 in CrI.P.No. 6112 of 2017 in CC.No. 55 of 2016 on the file Court of Special Magistrate V Hyderabad till further orders 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 permit the petitioner to amend the C.C.No. 55 of 2016 and the name of the court of V Special Magistrate, Hyderabad as C.C. No.8782 of 2022 on the file of IX Metropolitan Magistrate, Hyderabad in Crl.P.No. 6112 of 2017.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R K G BHATIA ,Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No2 and none appeared for Respondent no.1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.6112 OF 2017

ORDER:

The Criminal Petition is filed under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) by the petitioner/Accused to quash the impugned order, dated 28.06.2017 in CrI.M.P.No.1119 of 2017 in C.C.N.I.No.8782 of 2022 on the file of the IX Metropolitan Magistrate, Hyderabad.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the Respondent No.1 and perused the record.

3. The CrI.M.P.No.1119 of 2017 in C.C.N.I.No.8782 of 2022 under Section 311 of Cr.P.C was filed by the petitioner-accused to recall Pw.1 for cross examination.

4. Learned counsel submits that Pw.1 was not even cross examined once.

5. Keeping in view, that the defence of the accused would be prejudiced, if Pw.1 is not cross examined, this Court deems

it appropriate to allow the application by setting aside order, dated 28.06.2017.

6. Accordingly, the Criminal petition is allowed by setting aside the Order, dated 28.06.2017 and the petitioner shall pay costs of Rs.10,000/- to Pw.1. On appearance of Pw.1, the petitioner counsel shall conclude cross examination on the very same day and for reasons to be recorded, the case may be posted to next day.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- B.SARASWATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The V Special Magistrate, Hyderabad.
2. The IX Metropolitan Magistrate, Hyderabad
3. The SHO Santosh Nagar Police Station, Hyderabad.
4. One CC to SRI. R·K·G BHATIA Advocate [OPUC]
5. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
6. **Two CD Copies**

pk
njb
/SP

HIGH COURT

DATED:20/09/2023

**ORDER
CRLP.No.6112 of 2017**



ALLOWING THE CRLP

⑨ $\frac{VW}{7/11/23}$