

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10877 OF 2022

ORDER:

This Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed by the petitioner to set aside the order passed in CrI.M.P.No.148 of 2022 in S.C.No.747 of 2017 on the file of the Special Judge for Trial and Disposal of Rape and POCSO Act Cases, R.R.District at Rajendranagar, dt.11.11.2022, whereby the learned Special Judge had declined the prayer of the petitioner to cross-examine the witnesses PW6 who is victim and PW7 who is sister of the victim.

2. The petitioner herein is the accused in the said crime. The offences alleged against him are under Sections 354(A), 506 of the Indian Penal Code and Section 11 R/w.12 of Protection of Child from Sexual Offences Act, 2012.

3. Heard both sides and perused the record.

4. Learned Counsel for the petitioner has filed the depositions of the witnesses PWs.6 & 7. The chief-examination of PWs.6 and 7 was completed on 05.08.2022 and the cross-examination was recorded as 'Nil' as the counsel was not ready for cross-examination.

5. The entire case rests upon PW6-victim and if permission is not granted for cross-examining the witnesses, the accused would lose his opportunity to defend himself. Further, the witnesses were not cross-examined, even once.

6. In the said circumstances, this Court deems it appropriate to set aside the order passed in CrI.M.P.No.148 of 2022 in S.C.No.747 of 2017 on the file of the Special Judge for Trial and Disposal of Rape and POCSO Act Cases, R.R.District at Rajendranagar, dt.11.11.2022, and permit cross-examination of PWs.6 and 7 at the costs of Rs.5,000/- each to the witnesses. Once they are recalled, the cross-examination shall conclude on the very same day.

7. Accordingly, the Criminal Petition is allowed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

K.SURENDER, J

Date: 09.01.2023
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Dt. 09.01.2023

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