

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

**MONDAY THE FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 3601 OF 2024

Between:

Fayaz Ahmed, S/o Late Naser Ahmed, Aged 31 Yrs, Occ: Auto Driver, R/o H. No. 12-115/11, Mabee-11 Colony, Shaheennagar, Balapur, R.R. Dist.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, Rep. by Public Prosecutor, High Court, Hyderabad.
2. The State of Telangana, Through P.S. Balapur Hyderabad.

...RESPONDENTS/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 quash the order in Crl. M.P. No. 38 of 2024 in S.C. No. 247 of 2019, Dated 04/03/2024 passed by On the file of the Honorable Fast Track Special Court For Expeditious trial And Disposal of Rape and FOC SU Act Cases, Ranga Reddy Dist, At L.B. Nagar and to grant.

I.A. NO: 1 OF 2024

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 proceedings m S.C. No. 247 of 2019, On the file of the Honorable East Track Special Court For Expeditious Trial And Disposal of Rape and POCSO Act Cases, Ranga Reddy Dist, At L.B. Nagar pending disposal of the Cnmml Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri GULAM RABBANI, Advocate for the Petitioner and the Sri S. Ganesh, Assistant Public Prosecutor on behalf of the Respondent No.1 and of None appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3601 of 2024

ORDER:

In this Criminal Petition, filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), the petitioner/accused is challenging the order, dated 04.03.2024 passed by the Court of Fast Track Special Court for Expeditious Trial and Disposal or Rape and POCSO Act Cases, Ranga Reddy District at L.B. Nagar in CrI.M.P.No. 38 of 2024 in S.C. Spl. No. 247 of 2019. By the impugned order, the application filed by the petitioner under Section 311 Cr.P.C. to recall P.W.6 for further cross-examination was dismissed.

2. Heard Sri Gulam Rabbani, learned counsel for the petitioner and Sri S. Ganesh, learned Assistant Public Prosecutor for respondent No.1 – State.

3. A perusal of the impugned order shows that on 17.01.2024, P.W.6 was cross-examined, but due to non-representation of the counsel for the petitioner on that day, the were already examined at length by the learned counsel representing the learned senior counsel appearing for the petitioner and certain crucial questions were not put to P.W.6 which are relevant to elicit real facts with regard to the subject offence and to prove the innocence of the petitioner, therefore,

P.W.6 may be recalled for the purpose of further cross-examination by the petitioner.

4. Having regard to the fact that P.W.6 was examined on 17.01.2024 and also considering the submission of the learned counsel for the petitioner, to give one more opportunity to the petitioner, this Court is inclined to allow the petition on payment of costs of Rs.2,000/- to PW.6.

5. Accordingly, the Criminal Petition is allowed setting aside the order of the trial Court dated 04.03.2024 CrI.M.P.No. 38 of 2024 in S.C. Spl. No. 247 of 2019. Consequently, CrI.M.P. No. 38 of 2024 in S.C. Spl. No. 247 of 2019 stands allowed. The trial Court is directed to permit the petitioner to cross-examine P.W.6 on payment of costs of Rs.2,000/- to PW.6. However, the petitioner is directed to cross-examine P.W.6 on the date fixed by the trial Court without seeking any further adjournment. Miscellaneous applications, if any pending, shall also stand closed.

//TRUE COPY//

Sd/- A. PRATHIMA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Fast Track Special Court For Expeditious trial And Disposal of Rape and FOC SU Act Cases, Ranga Reddy Dist, At L.B. Nagar.
2. The Station House Officer, Rachakonda Commissionerate, Balapur Police Station.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. GULAM RABBANI, Advocate [OPUC]
5. Two CD Copies

DI/PSR

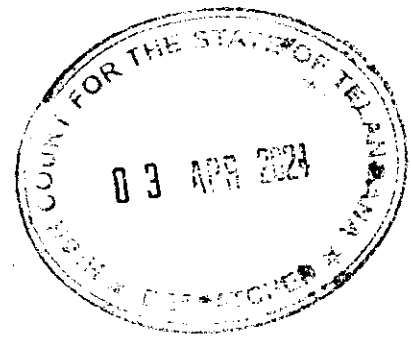


HIGH COURT

DATED:01/04/2024

ORDER

CRLP.No.3601 of 2024



ALLOWING THE Cr.P.

⑧
3/4/24
A.P.