

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

**TUESDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No: 14337 of 2024

Between:

Jatoth Desuram, S/o Shiva Bhaveji, Age: 21 years, Student, R/o H.No.2-7,
Penikarla Thanda, Manchal Mandal, Ranga Reddy District. Habsiguda,
Hyderabad.

...PETITIONER/ACCUSED

AND

The State of Telangana, Through Manchal Police Station Rep. by Public
Prosecutor, High Court for the State of Telangana, High Court, Hyderabad.

...RESPONDENT

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the order dated. 18-11-2024 passed in CrI.M.P.No.935 of 2024 in S.C.No.54 of 2022 on the file of Special Sessions Judge for Trial and Disposal of Cases under POCSO Act, Ranga Reddy District at L.B. Nagar by recalling PWs.1 and 2 for their cross examination.

I.A. NO: 1 OF 2024

Petition under Section 528 of B.N.S.S. 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 appearance of the Petitioner in in S.C.No.54 of 2022 on the file of Special Sessions Judge for Trial and Disposal of Cases under POCSO Act, Ranga Reddy District at L.B. Nagar.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri G. Sundaresan, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Sole Respondent.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.14337 of 2024

ORDER:

Challenging the order dated 18.11.2024 passed in Crl.M.P.No.935 of 2024 in S.C.No.54 of 2022 by the learned Special Sessions Judge for Trial and Disposal of Cases under POCSO Act, Ranga Reddy District at L.B. Nagar, this criminal petition is filed. By the impugned order, the application filed by the petitioner under Section 311 Cr.P.C. to recall the evidence of P.Ws.1 and 2 for further cross-examination was dismissed.

2. Heard the learned counsel for the petitioner/accused and the learned Additional Public Prosecutor for the State-Respondent. Perused the material on record.
3. Case of the petitioner is that S.C.No.54 of 2022 was filed against him and during cross examination of PWs.1 and 2,

learned counsel for petitioner could not appear before the trial Court due to fever.

4. Learned counsel for petitioner submits that as per Section 311 of Cr.P.C., Court may at any stage of proceedings can re-summon any person, if his evidence appears to be essential for just decision in the case. Hence, prayed to allow the petition.

5. In view of the said submission, to give one more opportunity to the petitioner, this Court is inclined to allow the Criminal Petition by setting aside the impugned order. The trial Court is directed to issue summons to PWs.1 and 2 by fixing a date and the learned counsel appearing for the petitioner/accused in the trial Court is directed to cross examine PWs.1 and 2 on the date specified by the trial Court, in default, their evidence stands closed.

6. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- V. HARI PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Sessions Judge for Trial and Disposal of Cases under POCSO Act, Ranga Reddy District at L.B. Nagar.
2. The Station House Officer, Manchal Police Station, Rachakonda Commissionerate.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to Sri G. Sundaresan, Advocate [OPUC]
5. Two CD Copies

Kam/gh



HIGH COURT

DATED:26/11/2024

ORDER

CRLP.No.14337 of 2024



**ALLOWING THE
CRIMINAL PETITION**

⑧
27/11/24
bx