

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

MONDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 2586 OF 2025

Between:

Pogaku Laxmana Swamy @ Pogaku Laxman, S/o. Tataiah, age 42 years, Occ. Cultivation, R/o. H.No.13-3-114, Ashok Nagar Colony, Bhadrachalam, Bhadradi Kothagudem District, Presently residing at H.No.13-3-116/2, Ashok Nagar Colony, Bhadrachalam, Bhadradi Kothagudem District.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, rep.by its Public Prosecutor, High Court of Telangana at Hyderabad through SHO, Bhadrachalam Town PS.
2. Smt. Kota Bhanumathi, W/o. Rama Gandhi, age 37 years, Occ. House Wife, Rio. H.No.13-3-112, Ashok Nagar Colony, Bhadrachalam, Bhadradi Kothagudem District.

...RESPONDENTS/DEFACTO COMPLAINANT

Petition under Section 528 of BNSS 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 pertaining to the docket order dated. 27.01.2025 (12.02.2025) pertaining to the CrI.M.P.No.49 of 2022 in C.C.No.224/2022 on the file of JFCM at Bhadrachalam and quash the same by ordering CrI.M.P.No.49 of 2025.

I.A. NO: 1 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings in C.C.No.224/2022 on the file of JFCM at Bhadrachalam, pending disposal of Quash petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Krishna Kishore Kovvuri, Advocate for the Petitioner, Public Prosecutor on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2.

The Court made the following: ORDER

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.2586 of 2025

ORDER:

Challenging the docket order dated 27.01.2025 passed in C.C.No.224 of 2022 by the learned Judicial Magistrate of First Class at Bhadrachalam, 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 Mr. Krishna Kishore Kovvuri, 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 C.C.No.224 of 2022 was filed against him. During the course of trial, the previous counsel for the accused cross-examined PWs.1 and 2, however, some crucial points are omitted, which are very much related to prove their case and for proper adjudication of the matter.

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 and for proper adjudication of the matter, 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/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial magistrate of First Class at Bhadrachalam
2. The Station House Officer, Bhadrachalam Town Police Station, Bhadradi Kothagudem.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri Krishna Kishore Kovvuri, Advocate [OPUC]
5. Two CD Copies

VH/gh



HIGH COURT

DATED: 24/02/2025

ORDER

CRLP.No.2586 of 2025



**ALLOWING THE
CRIMINAL PETITION**

⑧
25/02/25
BB