

HIGH COURT FOR THE STATE OF TELANGANA

**THURSDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 3506 OF 2025

Between:

Koutam Rajendar, S/o.Mallaiah, Aged.35 years, Occ.Pvt. Employee, R/o. Rangaiahpally Village of Regonda, Jayashankar Bhupalpally district.

...PETITIONER

AND

The State of Telangana, rep. by P.P. High Court at Hyderabad for the State of Telangana

...RESPONDENT

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 recall PW1 in Spl.S.C.No.95 of 2022 by quashing order in CrI.M.P.199 of 2024 in Spl.S.C.No.95 of 2022 dated 31-01-2025, on the file of the Court of the Special Judge for Trial of Cases Under Protection of Children from Sexual Offences Act Cases, Jayashankar Bhupalpally.

I.A. NO: 1 OF 2025

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 of all further proceedings in Spl.S.C.No.95 of 2022 dated 31-01-2025.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. B.Alekya, Advocate representing Sri P Prabhakar Reddy, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Addiotional Public Prosecutor, High Court for the State of Telangana, Hyderabad on behalf of the State / Respondent.

The Court made the following: ORDER:

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.3506 of 2025

ORDER:

This petition is filed to recall PW-1 in Spl.S.C.No.95 of 2022 by quashing the order dated 31.01.2025 passed in Crl.M.P.No.199 of 2024 in Spl.S.C.No.95 of 2022 by the learned Fast Track Special Court for Expeditious Disposal of Cases of Rape and Protection of Child against Sexual Offences (POCSO) Act, 2012, Jayashankar-Bhupalpally, against the petitioner/accused, for the offences under Sections 506, 209, 354-C & D of IPC and Section 11 r/w. 12 of POCSO Act, 2012.

2. Heard Ms. B.Alekhy, learned counsel representing Sri P.Prabhakar Reddy, learned counsel for petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent-State.

3. Learned counsel for the petitioner would submit that the application has been filed under Section 311 of Cr.P.C. for recall of PW-1 (victim girl) for cross-examination and the Court without considering the merits has dismissed the application. Further asserted that the cross-examination of the victim girl/PW-1 is essential to make out his defense. In this aspect has been disregarded the order passed by the Court below is untenable. Hence prayed for intervention.

4. Learned Additional Public Prosecutor would submit that earlier the petition filed by the petitioner/accused for recall was allowed but the petitioner/accused for the reasons best known to him did not avail the opportunity. Further pleaded that as per Section 33 (5) of POCSO Act, the witnesses/victim shall be protected from the Court appearances. Hence, there is no merit in the petition.

5. I have perused the material on record.

6. The record is disclosing that earlier the petitioner filed Crl.M.P.No.100 of 2024, and the same was allowed on 05.08.2024 subject to payment of cost of Rs.4,000/-. However, the petitioner did not choose to cross-examine the witness or paid the cost. Having considered this situation and as the opportunity has been neglected and repeatedly recalling the witness/victim would cause hardship, the Court below had declined the prayer in the petition. At this stage, the learned counsel for the petitioner prays for withdrawal of the petition.

7. Permission is accorded.

8. Accordingly, the Criminal Petition is dismissed as withdrawn.

Miscellaneous petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Special Judge for Trial of Cases Under Protection of Children from Sexual Offences Act Cases, Jayashankar Bhupalpally.
2. The Station House Officer, Regonda Police Station, Regonda, Jayashankar . Bhupalpally District.
3. One CC to Sri. P Prabhakar Reddy, Advocate [OPUC]
4. One CC to the Public Prosecutor, High Court for the State of Telangana, Hyderabad [OUT]
5. Two CD Copies.

HIGH Court

DATED:13/03/2025



ORDER

CRLP.No.3506 of 2025

**DISMISSED THE CRIMINAL PETITION AS
WITHDRAWN**


MBC
20/5