

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

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

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION NO: 3541 OF 2025

Between:

1. G. Praveen Goud, S/o. Kista Goud, Age. 31 yrs, Occ. Agriculture, R/o. Gandivet Village, Gandhari Mandal.
2. G. Prashanth Goud, S/o. Kista Goud, Age. 24 Yrs., Occ. Agriculture, R/o. Gandivet Village, Gandhari Mandal.
3. G. Laxman Goud, S/o. Kista Goud, Age. 23 Yrs., Occ. Agriculture, R/o. Gandivet Village, Gandhari Mandal.
4. B. Parmeshwar, S/o. Late Kashiram, Age. 38 Yrs., Occ. Agriculture, R/o. Gandivet Village, Gandhari Mandal.
5. P. Saibaba, S/o. Kashaiah, Age. 31 Yrs., Occ. Agriculture, R/o. Gandivet Village, Gandhari Mandal.

...PETITIONERS/ACCUSED No. 1 to 5

AND

1. The State of Telangana, Through its Public Prosecutor, High Court Building, High Court, Hyderabad.
2. K. Pedda Kashiram, S/o. Mogulaiah, Age. 52 Yrs., Occ. Agriculture, R/o. Gandivet Village, Gandhari Mandal.

...RESPONDENTS/COMPLAINANTS

Petition under Section 528 of BNSS., Act 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 CrI.M.P No. 38 of 2025 in Spl. SC. No. 80 of 2021 Dated. 14/02/2025 on the file of Spl. Judge for Trial of Cases Under SCs/STs (POA) Act-Cum-II Addl. Sessions Judge. At Nizamabad. in the interest of justice and equity and to pass

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 stay of all further proceedings in Spl. SC. No. 80 of 2021 Dated. 14/02/2025 on the file of Spl. Judge fir Trial of Cases Under SCs/STs (POA) Act-Cum-II Addl. Sessions Judge, At Nizamabad pending disposal of the Criminal Petition in the interest of justice and equity.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. U. Sai Charan, learned counsel, representing the Sri T Srujan Kumar Reddy, Advocate for the Petitioners and of Mr. Jithender Rao Veeramalla, learned Addl. Public Prosecutor on behalf of the Respondent No.1 and None appears for respondent No.2.

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION NO.3541 of 2025

ORDER:

Heard Mr. U. Sai Charan, learned counsel, representing the learned counsel for the petitioners and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

2. This criminal petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashment of order dated 14.02.2025 passed in CrI.M.P.No.38 of 2025 in Spl. S.C.No.80 of 2021 on the file of the Special Judge for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act-cum-II Additional Sessions Judge, Nizamabad (for short, SCs/STs (POA) Act).

3. Briefly stated the relevant facts are that the petitioners/Accused Nos.1 to 5 filed petition under Section 231 (2) of Code of Criminal Procedure (CrPC) with a prayer to defer the cross examinations of LWs.1 to 10 to one day on the ground that their defence will be known to the witnesses. The trial Court considering the merits by observing that the possibility of undue influence on the witnesses, possibility of threat of witnesses and

intimidation are to be considered for deferment and the factual position is not making out a favourable case for the accused, dismissed the petition.

4. For admission of the petition, learned counsel for the petitioners would submit that the LWs.1 to 10 are shown as direct witnesses to the occurrence in the charge sheet. As per the the petitioners/accused the alleged incident never occurred. Furthermore, cross examining the witnesses on one day would reveal their defence to the witnesses, who are well trained, as such keeping the schedule for examination of all the witnesses on one day has been prayed. However, the trial Court failed to appreciate this aspect and that there would be no prejudice to the prosecution, ought to have allowed the petition. Hence prayed for intervention.

5. I have carefully perused the materials on record and the submissions of the learned counsel.

6. The relevant Section 231(2) CrPC prescribes that the Court in its discretion permit the cross examination of any witness to be deferred until any other witness or witnesses have been examined.

7. A perusal of the record is disclosing that, as per the charge sheet LWs.1 to 3 are injured witnesses and LWs.4 to 10 are shown as eye witnesses. As per the petitioner the trial schedule is yet to be fixed by the trial Court. Howsoever cross examination of 10 (ten) witnesses on one day would be unreasonable. On the other hand, generally the trial schedule for examination of witnesses would be fixed on consecutive days combining the witnesses who are cited to speak selfsame factual aspects. Therefore the contention that the defence would be disclosed is found not convincing. In such position the eye witnesses account would be in regard to occurrence and the statement as to overt acts of the accused would generally be recorded in their chief examination. The cross examination would be to make out inconsistencies and to impede the reliability of the witnesses. Additionally the prosecution in its prerogative may or may not examine all material witnesses on which prosecution is based. For these reasons, this Court finds no impropriety in declining the prayer in the petition. However, as the trial schedule has not been fixed, the trial Court may consider grouping the injured eye witnesses on one day and the other eye witnesses on succeeding

day so as to optimize the opportunity to make out the defence, if any.

8. With this observation, this criminal petition is dismissed.

As a sequel, pending miscellaneous petitions if any, stands closed.

Sd/- P.CH. NAGABHUSHAMBA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Spl. Judge fir Trail of Cases Under SCs/STs (POA) Act-Cum-II Addl. Sessions Judge, At Nizamabad
2. The Station House Officer, Gandhari Police Station , Kamareddy District.
3. One CC to Sri T. Srujan Kumar Reddy, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies.

BJLB/PSL

Kg

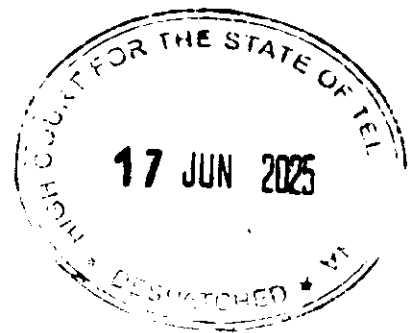
HIGH COURT

DATED:13/03/2025

ORDER

CRLP.No.3541 of 2025

CRIMINAL PETITION IS DISMISSED



80 pgs
1/2
29/5/25