



HIGH COURT OF ANDHRA PRADESH

THURSDAY, THE EIGHTEENTH DAY OF APRIL
TWO THOUSAND AND NINETEEN

PRESENT

THE HON'BLE SMT JUSTICE T. RAJANI

CRIMINAL PETITION NO: 2012 OF 2019

Between:

Velupla Chiranjeevi, S/o. Yesobu, Aged: 23 Years, R/o Takkellapadu Village
Nandigama Mandal Krishna District.

...Petitioner/Petitioner/Accused

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor High Court of Andhra
Pradesh at Amaravathi

...Respondent/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 call for the records relating to CrI.MP. No.824 of 2019 in CC No.418/17 on the file of Additional Judicial Magistrate of First Class Nandigama and set aside the orders in CrI.MP. No.824/19 in CC No.418/17 Dt: 07/03/2019 on the file of Additional Judicial First Class Magistrate, Nandigama and set aside the orders in CrI.MP.No.824/19 in CC No. 418/17 dt: 07/03/2019 on the file of the Additional Judicial First Class Magistrate, Nandigama, Krishna District and consequently allow the CrI.MP.No.824/19 in CC No. 418/17 on the file of the Additional Judicial First Class Magistrate, Nandigama, Krishna District.

I.A. NO: 1 OF 2019

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in C.C No.418/2017, on the file of the Additional Judicial I Class Magistrate, Nandigama, Krishna District including appearance of the petitioner pending disposal of the criminal petition in the interest of justice.

The Petition coming on for hearing, upon perusing the Memorandum of Grounds and upon hearing the arguments of Sri P. Nagendra Reddy, Advocate for the Petitioner and the Public Prosecutor for the Respondent.

The Court made the following: ORDER

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.2012 OF 2019

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure, 1973, seeking to set aside the order dated 07.3.2019, passed in CrI.M.P. No.824 of 2019 in C.C. No.418 of 2017 on the file of the Court of Additional Judicial First Class Magistrate, Nandigama, by virtue of which the petition filed by the petitioner, who is the accused, under Section 311 Cr.P.C., to recall P.Ws.1 and 7 for further cross-examination, was dismissed, on the ground that the petition was filed at belated stage.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. The counsel for the petitioner submits that the wound certificate pertaining to P.W.1 was filed only through the Investigating Officer, who was examined as P.W.7. He further submits that unless P.Ws.1 and 7 are cross-examined, with regard to the contents of wound certificate, the said documents cannot be marked, and hence, he seeks to recall P.Ws.1 and 7. This Court finds force in the said contention, as the wound certificate cannot be marked, unless P.Ws.1 and 7 are cross-examined by the defence.

4. Hence, considering the above, this Court is considered opinion that it is a fit case to set aside the impugned order.

5. In view of the above, the Criminal Petition is allowed, setting aside the order dated 07.3.2019, passed in Crl.M.P. No.824 of 2019. Consequently, Crl.M.P. No.824 of 2019 in C.C. No.418 of 2017 on the file of the Court of Additional Judicial First Class Magistrate, Nandigama, is allowed. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

**SD/- I. NAGA LAKSHMI
ASSISTANT REGISTRAR**

[Signature]

//TRUE COPY//

SECTION OFFICER

To,

1. The Additional Judicial I Class Magistrate, Nandigama, Krishna District.
1. The Station House Officer, Nandigama Police Station, Krishna District.
2. One CC to SRI. P. NAGENDRA REDDY, Advocate (OPUC)
3. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh (OUT)
4. Two C.D. Copies.

Chp

Plai

HIGH COURT

DATED:18/04/2019

ORDER

CRLP.No.2012 of 2019

ALLOWING THE CRIMINAL PETITION

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