

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

**FRIDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 14578 OF 2024

Between:

K. Bala Subrahmanyeswara Rao, S/o K. Venkata Choudary, Aged 40 years
Occ. Business, R/o. 8-17-8, Swamy Naidu Complex, Vijayavada Vari sri laxmi
Ladies Hostel, Sriram Colony, Balajinagar, Near Srinivas College,
Vizaganagaram- 535001, Andhra Pradesh State.

...Petitioner/Accused

AND

1. G.Ravikiran, S/o G.Surya Prakash Rao, Aged 39 years, Occ. Business, R/o 5-5-1212/5 to 12, Flat No.203, Maram Estates, Ganesh Nagar, Vanasthalipuram, R.R.District – 70.
2. The State of Telangana, Represented by the Public Prosecutor, High Buildings, Hyderabad.

...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 set aside the order passed by the Court of the 1st AJCJ-cum-VII Additional Metropolitan Magistrate at Rachakonda at Hayathnagar in CRL.M.P.No.704/2024 in CC.No.1088/2019 and consequently all the application of the petitioner bearing CRL.M.P.No.704/2024 in CC No.1088/2019.

I.A. NO: 1 OF 2024

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 proceedings of the Court of the 1st AJCJ-cum-VII Additional Metropolitan Magistrate at Rachakonda at Hayathnagar in CRL.M.P.No.704/2024 in CC.No.1088/2019 and consequently all the application of the petitioner bearing CRL.M.P.No.704/2024 in CC No.1088/2019.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri J.C. Francis, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No. 2 and none appeared for the Respondent No. 1

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.14578 of 2024

ORDER:

This Criminal Petition is filed by the petitioner seeking to set aside the order in CrI.M.P.No.704 of 2024 in C.C.No.1088 of 2019 passed by the I Additional Junior Civil Judge-cum-VII Additional Metropolitan Magistrate at Rachakonda at Hayathnagar.

2. Heard Sri J.C.Francis, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.2 – State.

3. Learned counsel for the petitioner submitted that after 313 Cr.P.C. examination the matter was set for defence evidence, but the accused believed that the Court would pass over the matter for defence evidence and as a result of petitioner's silence, the Court closed the defence evidence and scheduled the case for arguments. Subsequently the petitioner filed section 311 Cr.P.C. seeking an opportunity to reopen the defence evidence for

adjudication of the matter and the same was dismissed by the trial Court. Hence seeks to set aside the said order.

4. In view of the submissions made by the learned counsel for the petitioner, this Court is of the considered opinion to grant one more opportunity to the petitioner and the trial Court is directed to fix a specific date for defence evidence of the petitioner/accused. The petitioner/accused is directed to adduce his evidence on the specific date so fixed by the trial Court, in default of which this order gets automatically vacated.

5. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The 1st AJCJ-cum-VII Additional Metropolitan Magistrate at Rachakonda at Hayathnagar
2. The XXIV Additional Metropolitan Magistrate, Rachakonda, at Hayathnagar.
3. The Station House Officer, Vanasthalipuram Police Station, Hyderabad.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. One CC to Sri J.C. Francis, Advocate [OPUC]
6. Two CD Copies

Njb/gh

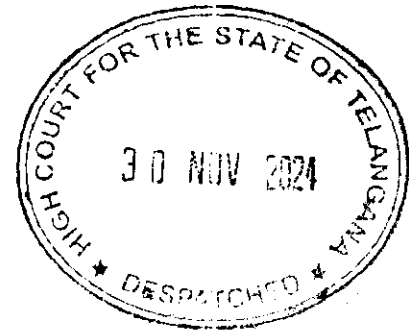
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HIGH COURT

DATED:29/11/2024

ORDER

CRLP.No.14578 of 2024



DISPOSING OF THE CRLP

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LB
30/11/24