

**THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO**

**CRIMINAL PETITION No.7259 of 2022**

**ORDER:**

The petitioner is an accused in S.C.No.48 of 2022 in the Court of the Special Judge for Speedy Trial of Offences Under Protection of Children from Sexual Offence Act at Vijayawada. P.Ws.5 and 10 had given evidence on behalf of the prosecution in the course of the trial. These witnesses were also cross examined by the counsel for the petitioner. Thereafter, the petitioner moved CrI.M.P.No.474 of 2022, under Section 311 of Cr.P.C, to recall P.Ws.5 and 10, for further cross examination. In the petition filed under Section 311 of Cr.P.C, the petitioner except stating P.Ws.5 and 10 had suppressed some facts at the time of cross examination and that there were certain changed circumstances which require further cross examination of P.Ws.5 and 10, did not set out in other reason.

2. In the course of the argument at the time of hearing of the application and in the written arguments, further grounds were raised. The contentions raised in the written arguments, has recorded by the trial Judge is that a letter dated 04.02.2022 issued by P.W.10 requires to be considered and since the said

document would have to be marked through P.W.10, it would be necessary to recall P.W.10. Further, the changed circumstances are said to be discovery that P.W.5 while answering the questions relating to the installation of CC cameras and their location is said to have stated that he was not sure where the cameras are installed and the same requires to be tested by way of further cross examination.

3. The trial Judge after considering both these issues had held that in the event of the prosecution seeking to mark the letter dated 04.02.2021 through P.W.1, it would always be open for the petitioner to cross examine P.W.10. The trial Court also took the view that no clear reasons being made out for recall of P.Ws.5 and 10 and the grounds set up by the petitioner are not sufficient for ordering such a recall.

4. In that view of the matter, this Court does not find any reason to interfere with the said decision of the trial Court.

5. A perusal of the order makes it clear that the trial Judge has considered all the grounds raised by the petitioner and has exercised her discretion, reasonably, in rejecting the prayer of the petitioner.

6. In the circumstances, interference is not warranted in this case and this criminal petition is accordingly dismissed.

Miscellaneous petitions, pending if any, shall stand closed.

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**JUSTICE R.RAGHUNANDAN RAO**

Date :19.10.2022

RJS

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