

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

TUESDAY, THE SEVENTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY THREE,

**PRESENT**

**THE HON'BLE SRI JUSTICE K. SURENDER**

**CRIMINAL PETITION NO: 10948 OF 2023**

**Between:**

B. Venkat Rao, S/o. Late B. Chenchiah, Aged about 50 years, Occ. Software Engineer, Landlord, R/o. BezawadaVari Palem Hamlet, Maddi Padu(M), Ongole, Prakasham District.

...PETITIONER/ACCUSED NO. 1

**AND**

The State of Telangana, Through SHO, WPS North Zone Rep., by P.P. High Court at Hyderabad for the State of Telangana

...RESPONDENT/RESPONDENT

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 allow the petition by setting aside the orders passed by XV Additional Chief Metropolitan Magistrate. Hyderabad dated 20-10-2023. in CrI.M.P. No. 1598 of 2023 In C.C. No. 249 of 2012 in the interest of the justice

**I.A. NO: 1 OF 2023**

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 including the appearance of the Petitioner/Accused No.1 in C.C. No. 249 of 2012 on the file of XV Additional Chief Metropolitan Magistrate at Manoranjan Complex, Hyderabad, pending quash petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri T Chandra Shekar, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No.10948 OF 2023**

**ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.1 to set aside the orders passed by the XV Additional Chief Metropolitan Magistrate, Hyderabad dated 20.10.2023 in Cri.M.P.No.1598 of 2023 in C.C.No.249 of 2012.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The petitioner who is the husband filed an application under Section 91 of Cr.P.C seeking a direction from the learned Magistrate for producing the passport copy of PW1. The learned Magistrate dismissed the said application on the ground that 91 Cr.P.C cannot be invoked against the witness and it would amount to testimonial compulsion.

4. The document sought to be produced is the passport of PW1. PW1 is a witness, not accused. In fact, in her cross examination on

01.11.2022, she stated that she can produce the passport if necessary. In the said circumstances, when the witness herself has volunteered to produce the passport, the same can be permitted. PW1 shall produce her passport for the purpose of cross examination.

5. With the said observations, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- P. PADMANABHA REDDY  
ASSISTANT REGISTRAR**

//TRUE COPY//

**SECTION OFFICER**

- To,
1. The XV Additional Chief Metropolitan Magistrate at Manoranjan Complex, Hyderabad.
  2. The Station House Officer, WPs North Zone.
  3. One CC to Sri T Chandra Shekar Advocate [OPUC]
  4. Two CCs to the Public Prosecutor, High Court for the State of Telangana.
  5. Two CD Copies

MBC  
BS



**HIGH COURT**

**DATED: 07/11/2023**



**ORDER**

**CRLP.No.10948 of 2023**

**DISPOSING OF THE CRIMINAL PETITION**

**WITHOUT COSTS**

⑧ VW  
19/12/23