

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**Crl.R.C.No.2956 of 2015**

**ORDER :**

The petitioners preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the docket order dated 17-11-2015 passed in C.C.No.28 of 2004 by the I Additional Special Judge for CBI Cases, Hyderabad, treating the cross-examination of the Investigating Officer viz., P.W.26 as nil and posting the matter for Section 313 Cr.P.C. examination of accused.

The docket order dated 17-11-2015 in C.C.No.28 of 2004 runs as follows :

“A1, A2, A5 and A6 present. A3 absent. A7 and A8 companies are represented by A3. Presence of A3 was dispensed with by Hon'ble High Court. P.W.26 present. Counsel for A3, A6 and A8 absent. Cross-examination of P.W.26 treated as nil as per the orders passed on the deposition sheet.

Hence, for examination of accused under Section 313 of Cr.P.C., case is adjourned to 02-12-2015. A3 shall present on 02-12-2015 for examination of 313 Cr.P.C.”

Heard the learned counsel for petitioners – accused Nos.3, 7 and 8 and the learned Special Public Prosecutor for CBI.

The learned Special Public Prosecutor for CBI vehemently opposed the revision case on the ground that it is

only delaying tactics of petitioners – accused Nos.3, 7 and 8 and on earlier occasion also they have not availed the opportunity given by the Court.

However, taking into consideration the fact that the counsel for accused No.3 was admitted in the Hospital, which was informed by the counsel across the bar along with necessary documents, the petitioners herein are directed to file an application for recalling the said witness (P.W.26). On such application, the trial Court is directed to fix a date for cross-examination of witness and also the petitioners are directed to pay costs of Rs.3,000/- (Rupees Three thousand only) to the said witness for his appearance before the Court. On the date so fixed by the trial Court, the petitioners herein are directed to cross-examine the said witness. On failure to cross-examine the said witness by petitioners as directed by this Court, the trial court is at liberty to proceed with the matter in accordance with law.

Accordingly, the Criminal Revision Case is disposed of.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

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JUSTICE RAJA ELANGO

11<sup>th</sup> December, 2015  
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