

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3056 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the docket order, dated 28.10.2015, passed in CrI.M.P.No.3676 of 2015 in C.C.No.685 of 2014 on the file of the Court of the Additional Judicial First Class Magistrate, Vizianagaram, whereby the learned Judge dismissed the petition filed by the petitioner to recall P.Ws.1 and 2 for cross-examination.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petition filed by the petitioner under Section 311 of CrPC., to recall P.Ws.1 and 2 for cross-examination was dismissed on the ground that though the petitioner was given opportunity to cross-examine P.Ws.1 and 2 on payment of costs, the petitioner paid the costs, but has not cross-examined them.

After perusing the order impugned, this Court is of the view that the order passed by the Court below is not erroneous in law and the same is in accordance with law. However, taking into consideration the seriousness of the offences registered against the petitioner, one more opportunity may be given to the petitioner. The petitioner is directed to file fresh application seeking to recall P.Ws.1 and 2 for conducting cross-examination and on such application being filed, the Court below is directed to allow the application on payment of costs of Rs.500/- payable to P.Ws.1 and 2 each as costs, and fix a date for cross-examination of P.Ws.1 and 2. It is also made clear that if the petitioner fails to cross-examine P.Ws.1 and 2 on the date so fixed, the Court below is at liberty to pass appropriate orders in accordance with law.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

08.12.2015
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