

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3047 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioners-A3 and A4 aggrieved by the order dated 26.11.2015 passed in CrI.M.P.No.2114 of 2015 in C.C.No.13 of 2009 by the Principal Special Judge for CBI Cases, Hyderabad.
2. The petitioners along with other accused are facing trial for the charges under Sections 120-B, 419, 420, 468 and 471 IPC and Section 13(2) r/w 13(1)(d)(ii) of P.C. Act in the above C.C. While the matter was coming for 313 Cr.P.C., examination, the petitioners filed the above CrI.M.P. under Section 311 Cr.P.C. seeking to recall as many as 15 witnesses for cross-examination on behalf of the petitioners. The learned Special Judge dismissed the application filed by the petitioners herein. Aggrieved by the same, the petitioners filed this revision.
3. Heard and perused the material available on record.
4. The learned Special Judge rejected the request of the petitioners on the ground that sufficient opportunity was already given to the petitioners to cross-examine the witnesses and that in order to protract the proceedings the petitioners filed the present petition.
5. Learned Counsel for the petitioners after arguing for some time, confined his argument only with regard to the recalling of two witnesses i.e., P.W.24 and 34 for the purpose of cross examination. He submitted that cross-examination of the above two witnesses is very essential to elicit the truth or otherwise of the allegations in the charge sheet.
6. Learned Public Prosecutor submitted that the impugned application was filed by the petitioners only with an intention to drag on the proceedings and that P.Ws.24 and 34 were cross-examined at length on behalf of the petitioners.
7. Considering the rival contentions coupled with the submission of the learned Counsel for the petitioners confining his relief only to the extent of

recalling of P.Ws.24 and 34 for the purpose of cross examination, this Court is of the view that it is just and proper to afford one more opportunity to the petitioners to cross-examine P.Ws.24 and 34 subject to the following conditions.

(i) The petitioners are directed to file an application afresh seeking to recall P.Ws.24 and 34 informing the purpose for which, they intend to cross-examine P.Ws.24 and 34.

(ii) On such application being filed, the learned Special Judge is directed to recall P.Ws.24 and 34 subject to their availability, and fix date for cross-examination of these witnesses by informing the same to the above witnesses. On the date so fixed for cross-examination of P.Ws.24 and 34, if the petitioners fail to cross-examine them, the learned Special Judge is at liberty to proceed in accordance with law.

(iii) The petitioners are directed to pay of Rs.1,500/- towards the costs to each witness on their being recalled for cross-examination.

8. With the above directions, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 10th December, 2015

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HONOURABLE SRI JUSTICE RAJA ELANGO

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10.12.2015

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