

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2109 of 2015

ORDER

Petitioner 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 order dated 08-09-2015 passed in Crl.M.P.No.1733 of 2015 in C.C.No.83 of 2010 on the file of the Additional Metropolitan Magistrate, Anakapalli, Visakhapatnam, whereby the learned trial Judge dismissed the application filed by the petitioner invoking the provisions under Section 311 Cr.P.C. to recall P.W.1 for cross-examination.

It is evident from the record that in the earlier occasion, the petitioner has not cross-examined the witness for a long time and thereafter on filing of the application under Section 311 Cr.P.C., again P.W.1 was recalled and cross-examined. Not satisfied with the cross-examination, further an application under Section 311 Cr.P.C. is filed for the purpose of cross-examining P.W.1.

The learned trial Judge, while dismissing the application observed as follows :

“If there had been any vital points to be raised by defence counsel, that could have raised at that point of time. But, defence counsel did not put further question to accused. In order to allow this type of petitions, provided there are reasonable grounds. In this case, not only there are no reasonable grounds, but also the conduct of the accused in not cross-examining P.W.1 for long time even on costs and finally cross-examining through S.311 Cr.P.C. petition and then coming up with another S.311 Cr.P.C. petition at stage of defence evidence is found not justified and does not warrant any sort of indulgence. As a result, this petition is devoid of merits and deserves dismissal. Accordingly, this petition is dismissed.”

Having regard to the observations of the trial Judge, this Court is of the view that there is nothing to interfere with the impugned order.

Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

29th October, 2015

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