

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.1558 of 2015

Between:

K.L.Deevena

..... PETITIONER/ACCUSED

AND

The State of Andhra Pradesh, rep.by its
Public Prosecutor, High Court, Hyderabad and another

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **05.08.2015**

SUBMITTED FOR APPROVAL:

-
-

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

- | | | |
|----|--|--------|
| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. | Whether Their Ladyship/Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.1558 of 2015

ORDER:

The criminal petition is filed against the order dated 27.07.2015 in CrI.M.P.No.2940/2015 in C.C.No.16/2012 on the file of the Judicial Magistrate of First Class, Mummdivaram, by and under which, the petition filed under Section 311 Cr.P.C. to recall PW 1 for further cross examination in respect of Exs.P1 & P2 was dismissed.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The learned counsel appearing for the petitioner submits that PW 1 has to be cross examined on some material aspects in respect of Exs.P1 & P2 to establish his defence. The 2nd respondent/complainant filed counter seriously opposing the said petition.

The criminal jurisprudence requires sufficient opportunity to be afforded to the accused to put forth his defence and to cross examine the prosecution witnesses.

In view of the facts and circumstances of the case, I feel that the petitioner/accused be given opportunity to cross examine PW 1 in respect of Exs.P1 & P2 concerned, however, subject to following conditions;

- i) The petitioner/accused shall complete the cross examination of PW 1 on the same day when he was produced, without seeking any further adjournment;
- ii) The petitioner/accused shall pay costs of Rs.1,000/- (Rupees one thousand only) to PW 1 on date of his cross examination.

Subject to the above, the Criminal Revision Case is allowed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 05.08.2015
Dsr