

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2155 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioners-A2 and A3 aggrieved by the order dated 8.9.2015 passed in CrI.M.P.No.2557 of 2015 in C.C.No.272 of 2006 by the Additional Judicial First Class Magistrate, Ramachandrapuram.

2. The petitioners filed the above CrI.M.P. under Section 311 Cr.P.C. seeking to recall P.W.2 for the purpose of cross-examination. The petitioners stated that on the date of examination of P.W.2, their Counsel could not attend since they were in the High Court to attend some other case. The trial Court dismissed the above CrI.M.P. Hence, the petitioners filed this revision.

3. Heard and perused the material available on record.

4. The trial Court rejected the request of the petitioners on the ground that the deposition sheet of P.W.2 discloses that the Counsel for A2 and A3 adopted the cross examination done by the Counsel for A1, A4 and A5. This Court does not find any illegality in the order under revision. But in any event, as the trial has been not concluded, this Court is of the view one more opportunity can be given to the petitioners to cross-examine P.W.2.

5. In the circumstances, the petitioners are directed to file a fresh application seeking to recall P.W.2 for cross-examination. On such application being filed, the trial Court is directed to allow same by imposing costs of Rs.3,000/- (Rupees Three Thousand only) to be payable to P.W.2, and fix a date for cross-examination of P.W.2. On the date that would be fixed by the trial Court, the petitioners shall cross-examine P.W.2. If they fail to cross-examine P.W.2 on the date so fixed, the trial Court is at liberty to proceed in accordance with law.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 30.9.2015

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