

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.53 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order dated 16.12.2014 passed in CrI.M.P.No.3809 of 2014 in C.C.No.631 of 2013 on the file of the Judicial Magistrate of First Class, Prohibition & Excise Cases at Khammam, whereby the trial Court refused to entertain the petition filed by the petitioner for examination of the Head Post Master of the Postal Head Office, Khammam, and the Postman, who alleged to have issued the legal demand notice to the petitioner herein.

Heard.

It is the case of the petitioner that even though the intimation and window delivery is mentioned in the document, it does not reveal the manner in which it was delivered. Hence, the learned counsel for the petitioner prays this Court that it is necessary to examine the Head Post Master and the postman in the interest of justice to speak about the delivery of the notice.

Considering the facts and circumstances, this Court is of the view that the petitioner can be given an opportunity to examine the Head Post Master and the postman, since the complainant is also a retired post master to establish whether the notice is served on the petitioner or not. Hence, the criminal revision case is disposed of with the following directions.

The petitioner is directed to file another application before the trial Court for examination of the Head Post Master of the Postal Head Office, Khammam and the postman, namely Sri D.Sri Ramulu, and on such filing, the trial Court is directed to fix a date for examination of the said witnesses and issue summons to the said witnesses. The petitioner is further directed to examine the said witnesses on the date so fixed by the trial Court and the petitioner is directed to pay a sum of Rs.500/- (Rupees five hundred only) each to the witnesses as charges on their appearance

before the Court concerned. It is made clear that if the petitioner fails to examine the said witnesses on that day so fixed by the trial Court, the trial Court is at liberty to proceed in accordance with law.

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

JUSTICE RAJA ELANGO

09.06.2015

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