

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

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**CRIMINAL REVISION CASE No.2584 OF 2015**

**ORDER:**

This criminal revision case under Sections 397 and 401 of the Code of Criminal Procedure is filed by the petitioner/accused seeking to set aside the order, dated 13.10.2015 passed in CrI.M.P.No.5863 of 2015 in C.C.No.723 of 2013 passed by the Special Judicial Magistrate of First Class (Prohibition and Excise Cases), at Khammam, whereby the learned Judge dismissed the petition filed by the petitioner to issue summons to P.W.1.

Heard and perused the material.

Learned counsel for the petitioner submits that no prejudice would be caused if the Court below issued summons to the Branch Manager, State Bank of Hyderabad, Church Road Branch, Khammam and as such, prays this Court to set aside the order passed by the Court below and allow the criminal revision case.

Considering the facts and circumstances of the case, the order impugned is hereby set aside and the petitioner herein is directed to file fresh application and on such filing, the Court below is directed to issue summons to the Branch Manager, State Bank of Hyderabad, Church Road Branch, Khammam (P.W.1) and fix a date for his evidence on payment of Rs.5,000/- (Rupees five thousand only) by the petitioner to the said witness. It is also made clear that if the petitioner fails to attend on the date so fixed, the Court below is at liberty to pass appropriate orders in accordance with law.

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

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**JUSTICE RAJA ELANGO**

04.11.2015

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