

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2628 OF 2015

ORDER:

The petitioners have 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 28.10.2015, passed in CrI.M.P.No.576 of 2015 in S.C.No.60 of 2015 on the file of the Court of the Special Judge for Trial of cases under Protection of Children from Sexual Offences Act-cum-Additional Sessions Judge, Warangal, whereby the learned Judge dismissed the petition filed by the petitioners to recall P.W.17 for further cross-examination.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the petition filed by the petitioners under Section 311 of CrPC., to recall P.W17 for further cross-examination was dismissed on the ground that the petitioners have cross-examined P.W.17 at length. He further submits that the counsel for the petitioners before the Court below could not able to cross-examine P.W.17, who recorded the Statement of P.W.1 and other witnesses under Section 161 CrPC, properly with regard to omissions and contradictions due to oversight and as such, prays this Court to allow the revision case.

After perusing the order impugned, this Court is of the view that the Court below without assigning any reasons, dismissed the petition stating that the P.W.17 was cross-examined at length. Hence, the petitioners are directed to file a fresh application after completion of the prosecution evidence to recall P.W.17 and on such application being filed, the Court below is directed to allow the application on payment of costs of Rs.1,000/- payable to P.W.17 as costs, and fix a date for further cross-examination of P.W.17. It is also made clear that if the petitioners fail to cross-examine P.W.17 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.

JUSTICE RAJA ELANGO

05.11.2015

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