

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2453 of 2015

ORDER:

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This Criminal Revision Case is filed by the petitioner-accused against the order dated 17.06.2015 passed in CrI.M.P.No.666 of 2015 in S.C.No.70 of 2014 by the Special Judge for Protection of Children from Sexual Offences Act – cum – Additional Metropolitan Sessions Judge, Vijayawada.

The brief facts of the case are as follows:

The petitioner is facing trial for the offence under Section 376 (2)(i) I.P.C and Section 6 of Protection of Children from Sexual Offences Act, 2012. The prosecution examined P.Ws.1 to 18 and then the defence counsel cross-examined P.Ws.1,2,13 and 15 and the rest of the witnesses were not cross examined by the then counsel, and therefore the petitioner engaged the present counsel to defend his case. As there are so many contradictions between the evidence of witnesses and they have to be cross examined in those aspects, the petitioner filed the above CrI.M.P. to recall P.Ws.1 to 4, 7, 13, 15, 17 & 18. The Court below by the order under revision partly allowed the CrI.M.P to the extent of recalling P.Ws.3, 4, 7, 17 and 18 on payment of costs.

After hearing for sometime, when this Court informed the learned counsel for the petitioner that this Court is not inclined to interfere with the order under revision, the learned counsel for the petitioner persuaded the Court and prayed for a direction only to the extent of recalling P.W.1, who is the mother of the victim, for the purpose of cross examination.

This Court perused the chief examination and cross examination of P.W.1. It is true, as stated by the learned counsel for the petitioner, that the said witness is not cross examined in all aspects. Considering the same, the trial Court is directed to allow the petitioner herein to cross examine P.W.1 and fix a date for her appearance and the petitioner is directed to cross examine her on the said date. The petitioner is also directed to pay costs of Rs.500/- (Rupees five hundred only) to P.W.1, if he fails to cross examine the said witness on the date fixed by the trial Court. The trial Court is at liberty to proceed with the matter in accordance with law.

Subject to the above directions, the Criminal Revision Case is disposed of.
Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 27.10.2015

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