

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1386 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provision under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order dated 23.06.2015 passed in CrI.M.P.No.52 of 2015 in S.C.No.207 of 2015 on the file of the

V Additional Sessions Judge, Rayachoty, whereby the learned Judge dismissed the petition filed by the petitioner to recall PWs.1 to 8 and P.W.10 for the purpose of further cross-examination.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the counsel appearing on behalf of the petitioner before the Court below has failed to cross-examine on some important aspects. He further submits that he has filed an application stating the reasons for filing such application and also the questions which are to be put to the witnesses and that the Court below erroneously failed to consider the same and dismissed the application. Hence, he prays this Court to allow the revision to recall P.Ws.1 to 8 and P.W.10 for further cross-examination.

On perusing the records and hearing the learned counsel for the petitioner, this Court is of the view that the order passed by the Court below is in accordance with law and it cannot be said that the impugned order is perverse in nature. However, as the petitioner/accused is facing charge under Section 302 IPC, another opportunity may be given to the petitioner for further cross-examination of the witnesses. Hence, the Court below is directed to fix the date for recalling P.Ws.1 to 8 and P.W.10. On such fixing of the dates, the petitioner is directed to pay costs of Rs.2,000/- (Rupees two thousand only) each to the witnesses on the date of appearance and cross-examine the said witnesses on the date so fixed by the Court below. It

is made clear that if there is any failure on the part of the petitioner to cross-examine the witnesses on the date so fixed by the Court below, the Court below is at liberty to proceed 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

22.07.2015
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