

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

CRIMINAL REVISION CASE No.1428 of 2015

Between:

1. Balemreddy Venkataramana Reddy @ Babu and another.
..Petitioners

And

1. State of Andhra Pradesh rep., by its Public Prosecutor
High Court at Hyderabad and another.
..Respondents.

DATE OF JUDGMENT PRONOUNCED: 24.7.2015

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE RAJA ELANGO

1. Whether Reporters of Local newspapers may be :: Yes/No
Allowed to see the judgments?
2. Whether the copies of judgment may be marked :: Yes/No
To Law Reporters/Journals
3. Whether Their Ladyship/Lordship wish to see :: Yes/No
the fair copy of Judgment?

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1428 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioners-A1 and A2 challenging the order dated 10.6.2015 passed in CrI.M.P.No.110 of 2015 in S.C.No.297 of 2013 by the V Additional Sessions Judge, Rayachoty.
 2. The petitioners are facing trial for the charges punishable under Sections 302 and 201 r/w 34 IPC in the above Sessions Case. After completion of examination of P.Ws.1 to 10 on behalf of the prosecution, the petitioners filed the above CrI.M.P. under Section 311 Cr.P.C. seeking to recall P.Ws.2 and 3 for further cross-examination and to recall P.W.7 for cross-examination, on the ground that while cross-examining P.Ws.2 and 3 their Counsel did not cross-examine them on the material aspect i.e., as to the identity of the accused, and further, their Counsel could not cross-examine P.W.7 as he was out of station on the date of examination of P.W.7.
 3. The learned trial Judge allowed the above CrI.M.P. in part permitting the petitioners to cross-examine P.W.7 alone on payment of witness batta of Rs.300/- to P.W.7 after completion of cross-examination of P.W.7. In respect of the other prayer of the petitioners to recall P.Ws.2 and 3, the learned trial Judge dismissed the above CrI.M.P. Aggrieved by the order of the learned trial Judge, the petitioners filed the present revision.
 4. Heard and perused the material available on record.
 5. The main grievance of the petitioners is that their Counsel did not cross-examine P.Ws.2 and 3 on the aspect of identity of the accused and the said aspect is more essential to prove their innocence and therefore, opportunity may be given to them to cross-examine P.Ws.2 and 3.

6. This Court did not find any irregularity or perversity in the order under revision. But, in view of the gravity of the charges levelled against the petitioners, this Court is of the view that grant of one more opportunity to the petitioners to further cross-examine P.Ws.2 and 3, will not cause any prejudice to the case of the prosecution as the prosecution will get a chance of reexamination on the aspects to be elicited in further cross-examination of those witnesses.

7. In the above circumstances and in view of the fact that the petitioners have been permitted to cross-examine P.W.7 vide the order under revision, without interfering with the order under revision, this Criminal Revision Case is disposed of with the following direction:

“The petitioners are directed to file a fresh application on or before 4th August, 2015, seeking to recall P.Ws.2 and 3 for further cross-examination. On such application being filed, the learned trial Judge is directed to consider the same and permit the petitioners to further cross-examine P.Ws.2 and 3 on condition of payment of costs of Rs.1,000/- to each witness directly, and fix a date to cross-examine P.Ws.2 and 3. In case, the petitioners fail either to file an application within the time fixed by this Court or to cross-examine P.Ws.2 and 3 on the date that would be fixed, the trial Judge is at liberty to proceed in accordance with law.”

Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 24th July, 2015
Note: Issue C.C. in three days
B/O
Nn.

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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24.7.2015

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