

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRIMINAL REVISION CASE No. 57 of 2015

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ORDER:

Aggrieved by an order dated 29.12.2014 passed by the XXIV Special Magistrate, Hyderabad, closing the defence evidence on the ground that the Station House Officer, Gajuwaka could not attend the court on the date when he was to depose as D.W.3, the present Revision is filed under Sections 397 and 401 Cr.P.C.

The learned counsel for the petitioner mainly submits that at the time of 313 Cr.P.C. examination the accused has filed the charge-sheet and certified copies of 161 Cr.P.C. statements in C.C. No.656 of 2009 on the file of the III Additional Chief Metropolitan Magistrate, Gajuwaka, Visakhapatnam and as such the same need to be marked through D.W.3. As the Station House Officer, Gajuwaka, who was to be examined as a witness could not attend the court, the trial court inspite of giving sufficient time and opportunity, the defence evidence was closed. It is not in dispute that the accused herein is a witness in C.C. No.656 of 2009, the documents which are required to be marked are all public documents. It is represented by the learned counsel for the petitioner that the accused herein has filed certified copies of charge-sheet and 161 Cr.P.C. statements.

Since the documents need to be marked are certified copies and public documents, the trial court shall take into account the said documents, filed along with 313 Cr.P.C examination, at the time of disposal of the main C.C.

With the above direction, the Criminal Revision Case is disposed of.

As a sequel to it, miscellaneous petitions, pending if any in this Crl.R.C. shall stand closed.

C. PRAVEEN KUMAR, J

Date:30.01.2015

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Note : C.C. by tomorrow

B/o. GM

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