

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1469 OF 2015

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ORDER:

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This Criminal Revision Case is filed by the State aggrieved over the order dated 20.7.2015 passed by the II Additional District Judge, Adoni, Kurnool District whereby the learned Judge dismissed CrI.M.P.No.26 of 2015 in S.C.No.128 of 2013 filed by the state to call for L.W.11, who is the Village Revenue Officer for the purpose of examination since he is the person who recorded the extra judicial confession made by the accused. On the date when the said application was taken up for hearing, the incharge Public Prosecutor and the police officials were not present before the Court and therefore, the learned trial Court dismissed the application.

Now it is submitted by the learned Public Prosecutor that the examination of L.W.11 is necessary to substantiate the fact that the accused has confessed before him about the commission of offence and therefore, the non-examination of the said witness will certainly cause prejudice to the case of the prosecution.

Considering the above facts and circumstances, this Court is of the view that the examination of L.W.11 before the trial Court is necessary to establish the case of the prosecution. Hence, the revision is disposed of with the following direction:

The Public Prosecutor before the trial Court is directed to file a fresh application for examination of L.W.11 before the trial Court and on filing such application, the trial Court is directed to allow the same by fixing the date convenient to both the parties for the purpose of examination of L.W.11 and proceed with the trial in accordance with law.

The revision is disposed of accordingly.

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

JUSTICE RAJA ELANGO

28.07.2015

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