

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2382 of 2015

ORDER:

This revision is filed by the petitioners – Accused against the order dated 5.10.2015 passed in CrI.M.P.No.260 of 2015 in S.C.No.343 of 2014 by the XIV Additional Sessions Judge, Vijayawada.

The respondent-State filed the above CrI.M.P. to recall L.Ws.11 and 12 so as to enable the prosecution to examine them. It is the case of the prosecution that L.Ws.10 to 12 were cited as witnesses to the mediators reports to the scene of observation, inquest proceedings and arrest of the accused and seizure of the crime weapons and out of them the prosecution examined L.Ws.10 as P.W.8. P.W.8 stated in the cross-examination that he signed in the mediator reports in police station even though he actually signed them at the spot. But inadvertently, the prosecution failed to examine the above witnesses viz., L.Ws.11 and 12. The trial Court allowed the said application. Aggrieved by the same, the petitioners-accused filed this revision.

Heard and perused the material available on record.

It is pertinent to note that under Section 311 Cr.P.C., the Courts can recall the witnesses already examined and the witnesses, who are not examined, and also any person, if it is just and proper to decide the case. Considering the facts and circumstances of the case, the trial Court allowed the application filed by the Prosecution. This Court does not find any irregularity or illegality in the order under revision and therefore, the revision case is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. Consequently, the miscellaneous petitions pending, if any, shall stand dismissed.

RAJA ELANGO, J

27th October 2015

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HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No. 2382 of 2015

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27.10.2015

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