

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.997 OF 2015

ORDER:

1. This Criminal Revision Case is filed by the petitioners-A1 and A2 challenging the order dated 18.3.2015 passed in CrI.M.P.No.329 of 2015 in C.C.No.204 of 1998 by the V Additional Junior Civil Judge, Guntur.
2. The petitioners filed the impugned application under Section 205(2) Cr.P.C. r/w 313 (1)(b) of Cr.P.C., seeking permission to answer the questions that would be put in examination under Section 313 Cr.P.C., through their Counsel, who is Special Vakalat Holder to appear on their behalf. The learned trial Judge dismissed the said application. Aggrieved by the same, the petitioners filed this revision.
3. Heard and perused the material available on record.
4. It is the case of the petitioners that A1 is suffering from diabetic neuropathy and he is totally bed ridden and A2 is aged about 75 years and she is suffering from Spinal cord problem and they are unable to attend before the Court below personally and therefore, they moved the impugned application.
5. The learned trial Judge dismissed the impugned application by a

lengthy order. It is evident from the record that the trial has already been completed and the matter is posted for examination of the accused under Section 313 Cr.P.C. As per the amended Code of Criminal Procedure, the petitioners can be permitted to answer the questions in examination under Section 313 Cr.P.C. through their Counsel by way of filing written statement. Therefore, this Court is of the view that the present Criminal Revision Case can be disposed of with the following direction:

“Since the petitioners are represented through their Counsel G.S.D. Ganesh, who is Special Vakalat Holder, the learned Counsel is permitted to answer the questions in the examination under Section 313 Cr.P.C. on behalf of the petitioners by filing a written statement. Thereafter, the trial Court shall proceed in accordance with law.”

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 30.10.2015

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