

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.461 of 2015

-

ORDER:

This revision is filed by the petitioners-A2 to A4 against the docket order dated 16.2.2015 passed by the Special Sessions Judge-cum-X Additional District & Sessions Judge, Krishna at Machilipatnam, in Special Sessions Case No.8 of 2014.

Heard and perused the material available on record.

The learned Counsel for the petitioners submitted that originally, the petitioners were not arrayed as accused in the above Sessions Case. After recording the evidence of P.Ws.1 and 2 in chief, on the same day, the learned trial Judge on the ground that P.Ws.1 and 2 deposed against the petitioners, passed the order impugned, issuing summons to the petitioners under Section 319(2) Cr.P.C, without allowing the defence Counsel to cross-examine P.Ws.1 and 2.

It is well settled that whenever the Court intends to invoke the provisions under Section 319(2) Cr.P.C., it should consider the evidence of witnesses both in chief and cross-examinations and thereafter, pass appropriate orders. The order of the learned trial Judge is not in accordance with law and therefore, the order impugned is liable to be set aside.

Accordingly, the Criminal Revision Case is allowed setting aside the order under revision. However, the learned Special Sessions Judge-cum-X Additional District & Sessions Judge, Krishna at Machilipatnam, is at liberty to invoke the provisions of Section 319(2) Cr.P.C., after completion of the cross-examination of the witnesses and after the considering the chief and cross-examination of the witnesses. Miscellaneous petitions pending, if any, stand closed.

Justice Raja Elango

Dated: 2.6.2015

Nn

HON'BLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

CRIMINAL REVISION CASE No. 461 of 2015

-
-
-
-
-
-
-
-
-
-

2.6.2015

Nn.