

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1817 OF 2014

ORDER:

The present criminal revision case is filed by the petitioners challenging the order, dated 02.07.2014, passed in CrI.M.P.No.254 of 2014 in C.C.No.153 of 2014 passed by the Court of the Special Magistrate-IV, Visakhapatnam, whereby the Court below allowed the petition filed by the complainant under Section 311 of the Code of Criminal Procedure (CrPC) to receive the reply notice as evidence during the further evidence of P.W.1.

Heard and perused the material available on record.

The second respondent/complainant filed the petition before the Court below under Section 311 of CrPC seeking to recall P.W.1 for further examination in chief, and that the Court below allowed the said application to mark the document, which is alleged to be the reply notice given by the accused.

Learned counsel for the petitioners submits that there is no whisper about the reply notice given by accused either in the complaint or in the chief examination or in the cross-examination and as such, the same cannot be allowed to be marked as document.

This Court is of the view that the learned trial Judge considering the submissions of the petitioners herein and also the complainant, directed P.W.1 to be examined and to mark the reply notice. The learned trial Judge also passed an order while marking the said document, the petitioners/accused are at liberty to raise their objections and also to cross-examine P.W.1 with regard to the authenticity and veracity of the reply notice allegedly given by the accused.

Considering the facts and circumstances of the case, this Court is of the view that the order passed by the learned trial Judge is in accordance with law and needs no interference by this Court. However, it is clarified that the second respondent/complainant is permitted only to produce the reply notice and to give evidence only in connection with the said reply notice.

The Criminal Revision Case is dismissed. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

07.11.2015
pln

JUSTICE RAJA ELANGO