

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.3298 of 2015

ORDER

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The present criminal revision case is directed against the order of dismissal dated 08.12.2015 passed in Crl.M.P.No.338 of 2015 in C.C.No.11 of 2014 on the file of Special Judge for SPE and ACB Cases-cum-II Additional District and Sessions Judge, Nellore.

2. Heard and perused the material on record.

3. The petitioner/accused is involved in C.C.No.11 of 2014 on the file of the Special Judge for SPE and ACB Cases-cum-II Additional District and Sessions Judge, Nellore, registered for the offences punishable under Sections 7, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. During the course of trial, the petitioner/accused filed the impugned application seeking to examine his defence witness. By the order impugned, the trial Court dismissed the said application on the ground that the petitioner failed to produce the medical certificate showing that the witness was suffering from ill-health. Aggrieved by the same, the present revision is filed.

4. Learned counsel for the petitioner submits that as the witness by name Mr. R. Ankaiah underwent cervical and lumbar surgery, the petitioner was unable to produce him before the trial Court and now, he is ready and willing to produce his defence witness. Thus, he prays to give an opportunity to the petitioner for

examination of the defence witness.

5. Considering the facts and circumstances of the case and in view of the nature of offence, this Court is of the view that an opportunity should be given to the petitioner to examine his defence witness. In view of the same, the trial Court is directed to fix the date of examination of defence witness on 28.01.2016, on which date, the petitioner shall produce his witness, failing which, the trial Court shall proceed in accordance with law and the petitioner cannot seek any further adjournment for production of his defence witness.

6. With the above direction, the Criminal Revision Case is disposed of.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

31st December, 2015

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