

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3144 OF 2015

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ORDER:

1. This revision case is filed by the petitioners challenging the docket order dated 15.11.2015 passed in M.C.No.17 of 2013 by the Family Court-cum-Additional Sessions Judge, Khammam.
2. The 1st petitioner is the wife and petitioners 2 and 3 are the children of the 1st respondent. They filed the above M.C. claiming maintenance. During the pendency of the above M.C., the petitioners filed Crl.M.P.No.204 of 2015 seeking to issue summons to the proposed witnesses viz., the 2nd wife of the 1st respondent and her parents as witnesses to establish their case. The trial Court issued summons to the proposed witnesses on payment of batta. But the summons were returned with an endorsement "as refused". Then the 1st petitioner made a request to issue warrant to the proposed witnesses. But the trial Court refused the said request and posted the matter to 11.12.2015 for further steps and evidence. Aggrieved by the same, the petitioners filed this revision.
3. Heard and perused the material available on record.
4. It is pertinent to note that when an order was passed for

appearance of the witnesses and summons were also issued, if there is any failure on the part of the witnesses concerned, necessarily the trial Court should take necessary steps to secure the presence of the witnesses, in accordance with the provisions of the Criminal Procedure Code. Hence, the trial Court is directed to take appropriate steps for appearance of the proposed witnesses for just decision of the case.

5. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 16.12.2015

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