

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2593 OF 2015

ORDER:

The petitioners have preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order, dated 29.09.2015, passed in CrI.M.P.No.761 of 2015 in S.C.No.300 of 2013 on the file of the II Additional Metropolitan Sessions Judge, Hyderabad, whereby the learned Sessions Judge dismissed the petition filed by the petitioners to recall P.Ws.1 and 2 for further cross-examination.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the petition filed by the petitioners under Section 311 of CrPC., to recall P.Ws.1 and 2 for further cross-examination was dismissed on the ground that the petitioners have not stated any reasons, for which the petitioners intend to recall the witnesses. He further submits that the petitioners cannot reveal the questions, which they want to put in the cross-examination and also that the petitioners came to know some other facts after cross-examination of P.Ws.1 and 2.

Even though the order passed by the Court below is not erroneous, being the offences are under Sections 304-B and 302 IPC, this Court is of the view that one more opportunity may be given to the petitioners to cross-examine P.Ws.1 and 2. Hence, the petitioners are directed to file a fresh application after closure of the evidence of the prosecution and on such application being filed, the Court below is directed to allow the application on payment of costs of Rs.1,000/- each payable to P.Ws.1 and 2 and fix a date for further cross-examination of P.Ws.1 and 2. It is also made clear that if the petitioners fail to cross-examine P.Ws.1 and 2 on the date so fixed, the Court below is at liberty to pass appropriate orders in accordance with law.

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

JUSTICE RAJA ELANGO

04.11.2015

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