

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.293 of 2016

ORDER

The present criminal revision case is directed against the order dated 26.11.2015 passed in Crl.M.P.No.3824 of 2015 in C.C.No.376 of 2014 on the file of the Additional Judicial First Class Magistrate, Avanigadda.

2. The petitioner/A1 and other accused are involved in C.C.No.376 of 2014 on the file of the Additional Judicial First Class Magistrate, Avanigadda, for the offences punishable under Sections 406, 420, 380 read with Section 34 or 411 IPC. The respondent-State filed the impugned application under Sections 311 and 242 Cr.P.C. seeking to receive the statement of L.W.3 recorded by P.W.1- Executive Officer of Sri Lankamma Ammavari Temple and mark the same as exhibit as the said statement was not produced along with the charge sheet. The petitioner filed counter stating that it is a fabricated document. By the order impugned, the said petition was allowed. Aggrieved by the same, the petitioner/A1 filed the present revision.

3. Heard and perused the material on record.

4. The respondent states that the statement of L.W.3 recorded by P.W.1 was mixed up with the file of the de facto complainant and therefore, they could not produce the same before the Court along with the charge sheet. The statement in writing made by a witness during investigation can be used to contradict his statement during trial. Therefore, no prejudice would be caused to the petitioner since he has every right to cross-examine the witness. Hence, this Court is of the view that there is no need to interfere with the order impugned. However, the petitioner is at liberty to challenge the genuineness of the said statement and its admissibility.

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

JUSTICE RAJA ELANGO

29th January, 2016

sj