

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.4709 OF 2016

ORDER:

This petition is filed by the petitioner-accused under Section 482 Cr.P.C. seeking to quash the order, dated 16.02.2016 in CrI.M.P. No.2329 of 2015 in CC No.126 of 2015 on the file the Judicial Magistrate of First Class cum Principal Junior Civil Judge, Tiruvuru, Krishna District.

Heard and perused the material available on record.

The petitioner filed the impugned application before the Court below under Section 311 Cr.P.C., to reopen the evidence of defence for the purpose of examining himself as a witness. The Court below dismissed the said application through the order impugned, after recording the reasons for dismissal of the application.

This Court perused the order passed by the Court below. The reasons given by the Court below for dismissal of the said application are in accordance with law and hence, this Court is of the view that there is no need to interfere with the said order.

At this stage, learned counsel for the petitioner submitted that one opportunity may be given to the petitioner to examine himself as a witness before the Court below by imposing costs on the petitioner and also direct the Court below to fix a date for examination of the petitioner and if the petitioner fails to examine himself as a witness on the said date, the Court below can proceed in accordance with law.

Considering the above submission of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The Judicial Magistrate of First Class cum Principal Junior Civil Judge, Tiruvuru, Krishna District is directed to allow the petitioner to

examine himself as a witness on payment of costs of Rs.2,000/-, to be given to the de facto complainant, and fix a date for examination of the petitioner – accused. The petitioner is directed to present before the Court below on the date so fixed by the Court below and adduce evidence. In case the petitioner fails to examine himself on the date so fixed by the Court below, the trial Court is at liberty to proceed with the case in accordance with law.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

April 04, 2016.
KTL