

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.211 OF 2016

ORDER:

The petitioner has 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 28.10.2015 passed in CrI.M.P.No.311 of 2015 in Criminal Appeal No.57 of 2014 by the Court of the VI Additional District and Sessions Judge, Sompeta, Srikakulam District, whereby the learned Judge dismissed the petition filed by the petitioner under Section 391 CrPC to summon the list witnesses as additional witnesses to examine on behalf of the petitioner.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously dismissed the petition filed by the petitioner to summon the list witnesses as additional witnesses to examine on behalf of the petitioner and that the Court below ought to have summoned the list witnesses as additional witnesses as it is very much essential to prove the case of the petitioner.

This Court is of the view that the Court below rightly dismissed the petition filed by the petitioner to summon the list witnesses as additional witnesses by observing that the petitioner, on his behalf examined one of the elders in the trial Court and that he cannot seek to examine another elder for the settlement of transaction of real estate business between the petitioner and the first respondent. The Court below further held that the elder, who examined, did not mention the name of the elder mentioned in the petition filed to summon the list witnesses as additional witnesses and that the said petition is filed only to drag on the proceedings and fill up the lacunas. Hence, this Court is of the view that the order of the Court below is in accordance with law and needs no interference by this Court.

The Criminal Revision Case is accordingly dismissed.
Consequently, the miscellaneous petitions pending in this petition, if
any, shall stand closed.

JUSTICE RAJA ELANGO

30.06.2016
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