

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

CRIMINAL PETITION No.10814 of 2016

ORDER:

The criminal petition is filed against the order dated 16.06.2016 in CrI.M.P.No.264/2016 in C.C.No.12/2015 on the file of the Special Judge for SPE & ACB Cases-cum-II Additional District & Sessions Judge, Nellore, by and under which, the petition filed under Section 315 Cr.P.C. to permit the petitioner/accused to be examined as defence witness was dismissed.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The grievance of the petitioner/accused is that when he wanted to examine himself as defence witness, the same has been rejected by the Court below, simply on the ground that he had cross examined the prosecution witnesses at length in all aspects through his counsel and only to fill up lacunae he wants to be examined himself.

The petitioner is accused. The criminal jurisprudence requires sufficient opportunity to be afforded to the accused to put forth his defence, and if the petitioner/accused is allowed to be examined as defence witness, no prejudice would be caused to the prosecution.

In view of the facts and circumstances of the case and in view of the nature of offence, I feel that the petitioner/accused be given opportunity to examine himself as defence witness.

The Criminal Petition is accordingly allowed. The impugned order of the Court below is set aside and the Court below is directed to examine the petitioner/accused as defence witness and the petitioner/accused shall

complete his evidence within one month from the date of receipt of a copy of this order.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL,J

Date: 26.09.2016
Dsr

