

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.466 of 2012

ORDER:

This revision petition is filed by the petitioner under Section 397 and 401 Cr.P.C. challenging the orders dated 01.03.2012 in Crl.M.P.No.26 of 2012 in S.C.No.215 of 2008 on the file of the Court of I Additional Sessions Judge, at Adilabad.

The contention of the learned Public Prosecutor is two fold:

1.The order passed by the trial Court is not legally sustainable.

2. He further submitted that the trial Court ought not to have imposed the costs while allowing the petition.

The facts leading to filing of the present petition are briefly as follows:

The respondent and others are facing trial in S.C.No.215 of 2008 for the offences punishable under Sections 302, 201, 419, 120-B IPC. Pending trial, the prosecution filed Crl.M.P.No.26 of 2012 under Section 311 Cr.P.C. to issue fresh summons to L.Ws.40 and 41. The trial Court allowed the petition on 10.02.2012 subject to production of L.Ws.40 and 41 on 01.03.2012 and on payment of costs of Rs.4,000/-. On 01.03.2012, the prosecution filed a memo requesting the Court to give permission to pay the costs and issue summons to L.Ws.40 and 41. The trial Court rejected the memo. Hence, the present revision petition.

In spite of the conditional order passed by the trial Court, the prosecution did not evince any interest to produce the witnesses, i.e., L.Ws.40 and 41. Instead of payment of costs, the

prosecution filed a memo requesting time. The prosecution has not assigned reasons much less cogent and valid reasons for non-payment of costs.

The trial Court made an observation that it cannot issue the summons without complying with the orders dated 10.02.2012. A perusal of the record further reveals that the prosecution has not taken appropriate steps for issuance of summons. There is no illegality or irregularity in the orders passed by the trial Court. This Court shall not lightly interfere with the orders passed by the trial Court while exercising the revisional jurisdiction under Section 397 Cr.P.C. There are no grounds much less valid grounds to interfere with the docket order passed by the trial Court dated 01.03.2012. Hence, I see no merits in this revision petition and the same is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. As a sequel, the miscellaneous petitions, pending if any in this revision, shall stand closed.

T.SUNIL CHOWDARY, J.

June 24, 2016

Rns