

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.3167 of 2015

ORDER:

Challenging the order, dated 10.12.2015, passed in CrI.M.P. No.793 of 2015 in C.C.No.227 of 2008 on the file of the Special Judicial Magistrate of First Class, Prohibition and Excise, Mahabubnagar, wherein an application filed to recall PW.1 for further cross examination was rejected, the present Criminal Revision Case is filed.

Though various ground are raised, learned counsel for the petitioner concedes that he may be permitted to cross examine PW.1 only with regard to Exs.P8 and P9 by fixing the time limit.

Learned counsel for the second respondent opposed the application stating that PW.1 is not in a position to move and pleads for appointment of an advocate-commissioner for cross-examination of PW.1.

Without going into the merits of the case and having regard to the submission made by the learned counsel, the petitioner shall make a suitable application before the trial Court for appointment of an Advocate-Commissioner to cross- examine PW.1, who is unwell and is now staying in H.No.8-6-277, Padmavathi Nagar, Mahabubnagar. Pursuant to an application made, the learned trial Judge shall pass appropriate orders by appointing an advocate-Commissioner. As suggested and agreed upon by the counsel for the petitioner, the cross examination shall be done by Sri Sivanna, Advocate for the accused with regard to Exs.P8 and P9 only which will not exceed morethan 10 minutes on 29.04.2016 between 10.30

a.m. and 1.00 p.m. in the presence of Sri C.Rajeev Kumar, counsel for the complainant. It is needless to mention that only the Advocate-Commissioner and counsel for both sides shall be present in the house of PW.1 at the time of cross-examination of PW.1. Thereafter, the trial Court shall proceed with the matter and decide the same within a period of one month. In case, the petitioner fails to avail this opportunity, he shall forfeit his right to cross-examine PW.1.

With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending, shall stand closed.

C.PRAVEEN KUMAR,J

21.04.2016

Note: Issue C.C. by tomorrow.

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