

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.3207 of 2015

-
ORDER:

-
Aggrieved by the order dated 19.11.2015 passed in S.C.No.446 of 2010 on the file of the XI Additional Sessions Judge (FTC), Guntur at Tenali, the present Criminal Revision Case came to be filed, wherein the learned trial Judge disallowed the counsel for the petitioner/accused No.1 to put certain questions to PW.4.

A perusal of the material on record would show that the questions which the learned counsel for the petitioners wants to suggest to PW.4 were with regard to presence of her parents at the time of her marriage and proof of her marriage. While rejecting the said request the trial Court held as under:

“The witnesses attended the Court along with other witnesses including her in-laws and deposed as wife of the deceased Anil Kumar and several other witnesses including PW.7, PW.15 and 18 deposed that she was the wife of the deceased Anil Kumar but their evidence was not disputed as to her status in any manner whatsoever the counsel is not justified to dispute her status for the first time during her cross examination. Since the marriage of the witness with the deceased Anil Kumar is not the subject matter of adjudication and since the accused are third parties to their relationship the accused are not entitled to question her status as wife of the deceased Anil Kumar. Therefore, the refusal of counsel to proceed with further cross examination is not justified under law and therefore the further cross examination is treated as nil.”

Learned counsel for the petitioner submits that the said question would not cause any prejudice to the prosecution since such questions are only put to PW.4. He further submits that till date the prosecution evidence is not complete and the case is posted for the evidence of

Investigating Officer.

Having regard to the facts and circumstances of the case, PW.4 is recalled and the petitioner shall confine his questions only with regard to the marital status of PW.4 and that the trial Court shall not permit the petitioner to put any other questions. The petitioner shall bear all the costs and expenditure incurred to recall PW.4.

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

JUSTICE C. PRAVEEN KUMAR

14.03.2016

Note: Issue C.C. in two days.

B/o

gkv