

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2149 of 2016

ORDER:

The petitioner herein preferred the present Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure questioning the order dated 27.07.2016 passed in CrI.M.P.No.447 of 2016 in FCMC No.2 of 2016 by the Judge, Family Court-cum-III Additional District Judge, Vizianagaram, whereby the application filed by the petitioner to summon the Manager, Andhra Bank, VSN Colony, Paul Nagar, Duppada Branch and The Principal, MJPAPBCW (Girls), Nellimarla, Vizianagaram, was rejected permitting the petitioner to make such an application at an appropriate time.

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor for the respondent-State.

Learned counsel for the petitioner fairly submits that till date, no chief affidavit is filed by the respondent-wife before the trial Court, however, as an abundant caution the petitioner filed the present application to adduce evidence showing that respondent has independent source of income. Since the evidence has not yet commenced and the respondent-wife has not even filed her chief affidavit, I see no illegality or irregularity in the impugned order passed by the trial Court. As observed, the petitioner is always at liberty to file petition seeking to summon the witnesses after completion of evidence to be adduced by the respondent-wife, in which event, the same shall be considered in accordance with law.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions pending in this revision, if any, stand closed.

JUSTICE C. PRAVEEN KUMAR

24.08.2016
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