

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1643 OF 2016

ORDER:

This Criminal Revision Case is filed by the petitioner challenging the order dated 14.3.2016 passed in Crl.M.P.No.536 of 2016 in M.C.No.11 of 2012 by the Additional Judicial First Class Magistrate, Gudivada.

The above Crl.M.P. was filed by the 2nd respondent, who is the wife of the petitioner, seeking to recall P.W.1 for marking some documents. The said Crl.M.P. was allowed. Aggrieved by the same, the petitioner filed this revision.

The grievance of the petitioner is that on an earlier occasion, the 2nd respondent herein filed an application in Crl.M.P.No.164 of 2016 seeking to recall the petitioner herein for marking certain documents on her behalf and the said petition was allowed and summons were issued to the petitioner, and after obtaining the said order, the 2nd respondent filed the impugned Crl.M.P. for the same relief, and that the learned Magistrate should not have entertained the impugned Crl.M.P. and should not have passed the order impugned herein as it amounts to irregularity.

Heard and perused the material available on record.

It is true that on the date of passing of the order impugned, the earlier order passed on 4.2.2016 in Crl.M.P.No.164 of 2016 is in force. But from the order impugned, it is evident that when the petitioner raised the same objection before the Court below in the impugned Crl.M.P., the learned Counsel for the 2nd respondent informed that he is not pressing the earlier Crl.M.P.No.164 of 2016 and he will not press for execution of the order passed in Crl.M.P.No.164 of 2016. Recording the submissions made by the learned Counsel for the 2nd

respondent, the Court below passed the order impugned herein while observing that granting of relief in the impugned Crl.M.P. would not cause any prejudice to the petitioner herein.

In the above circumstances, this Court is of the view that the order under revision does not warrant any interference by this Court and therefore, the present revision is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Date : 27.6.2016

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HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 27.6.2016

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