

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.484 OF 2016

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ORDER:

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This Criminal Revision Case is filed by the petitioner-A.2 challenging the order of the Special Judge for SPE & ACB Cases-cum-I Additional District & Sessions Judge, Nellore dated 27.1.2016 in dismissing CrI.M.P.No.21 of 2016 in C.C.No.11 of 2015 filed by the petitioner under Section 311 Cr.P.C. to recall P.Ws.1,2 and 6 for the purpose of cross-examination.

The trial Court dismissed the application on the ground that the petitioner did not assign any reasons as to why he has not cross-examine the said witnesses at the time of their giving evidence in the Court.

It is evident from the record that the petitioner has not cross-examined P.Ws.1,2 and 6. Even though the petitioner has not explained the reason for his not cross-examining the said witnesses, this Court is of the view that in the interest of justice, one more opportunity should be given to the petitioner to cross-examine the said witnesses.

Hence, the petitioner is directed to file a fresh application before the trial Court and on filing such an application, the trial Court is directed to allow the same, fix a date for the appearance of the said witnesses for cross-examination and the petitioner is also directed to cross-examine the said witnesses as per the directions of the Court on the date so fixed by the trial Court. The petitioner is also directed to pay a sum of Rs.1500/- each to the witnesses towards costs. If the petitioner fails to cross-examine the said witnesses on the date so fixed, the trial Court is at liberty to proceed with the matter in accordance with law.

The Criminal Revision Case is accordingly disposed of.

Consequently, miscellaneous petitions, if any, pending,
shall stand closed.

JUSTICE RAJA ELANGO

10.02.2016

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