

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2229 OF 2012

ORDER:

The petitioners have preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 08.08.2012, passed in CrI.M.P.No.352 of 2012 in S.C.No.31 of 2008 by the Court of Sessions, Prakasam Division, Ongole, whereby the learned Judge added the petitioners herein as A.5 and A.6 in the charge sheet.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the Court below erred in adding the petitioners as accused in the charge sheet without issuing any notice to the petitioners herein. He further submits that the Court below added the petitioners as accused when the P.W.1 was examined in chief in part and that without therebeing any cross-examination.

This Court is of the view that the impugned order was passed only after chief examination of the witnesses only and admittedly, no cross-examination was conducted by the respondents/accused therein. Merely on the basis of the evidence given by one of the witnesses concerned, the Court cannot add any person as accused, that too when there is no cross-examination by the counsel concerned appearing for the other persons in the case. Hence, the impugned order passed by the Court below is hereby set aside and the Court below is directed to proceed against the other accused concerned in accordance with law. However, it is left open to the Court below, if it so desires, it can pass any orders to add the petitioners herein as accused, at appropriate stage.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions, if any pending in this

revision case, shall stand closed.

JUSTICE RAJA ELANGO

19.07.2016
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