

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1922 OF 2012

ORDER:

This Criminal Revision Case is filed by the petitioner, challenging the order, dated 26.09.2012, passed in CrI.M.P.No.1048 of 2012 in C.C.No.68 of 2011, by the Special Magistrate VI, Hyderabad, whereunder and whereby the learned Magistrate allowed the petition and directed the petitioner to be recalled for marking the documents before the Court.

The 1st respondent/complainant filed the CrI.M.P.No.1048 of 2012 under Section 311 Cr.P.C. stating that the main case i.e., C.C.No.68 of 2011 is posted for arguments and that the complainant intends to mark documents in the main case as those documents are essential to prove his case and if those documents are not considered, the complainant has to suffer irreparable loss and, therefore, prayed to recall P.W.1 and permit him to mark the documents as prosecution documents. The trial Court allowed the said petition by recalling the evidence of P.W.1 for marking the documents before the Court. Hence, the revision.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 2nd respondent.

Learned counsel for the petitioner submitted that the learned Magistrate ought to have dismissed the petition filed by the 1st respondent/complainant as he has filed the petition after the case is posted for arguments stating that he intends to mark documents in the main case as those documents are essential to prove his case, without assigning any reasons and that the 1st respondent was given number of adjournments, after the cross-examination of P.W.1 on 01.02.2012 and after the cross-examination of P.W.2 on 18.06.2012 and in spite of the same, the 1st respondent filed the present petition at the stage of arguments, without justifying as to the reason for filing the said petition at a belated stage and hence, he prays to set aside the impugned order.

Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner, the Criminal Revision Case is allowed and the order, dated 26.09.2012, in CrI.M.P.No.1048 of 2012 in C.C.No.68 of 2011, is hereby set aside and the petitioner is permitted to raise all the points before the concerned Court and the concerned Court is directed to consider the submissions of the petitioner and shall pass appropriate orders.

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

RAJA ELANGO, J

Date: 29th July, 2016

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