

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.3297 OF 2015**

**ORDER:**

The petitioners have preferred the present criminal revision case by invoking provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 16.12.2015, passed in CrI.M.P.No.3683 of 2015 in C.C.No.58 of 2013 on the file of the II Additional Judicial Civil Judge, Sattenapalli, whereby the learned Judge dismissed the petition filed by the petitioners to recall P.Ws.1 to 6 as they were not cross-examined earlier.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the petition filed by the petitioners under Section 311 of CrPC., to recall P.Ws.1 to 6 for cross-examination was dismissed on erroneous grounds. Hence, he prays this Court to set aside the order impugned and direct the Court below to allow the petitioners to cross-examine P.Ws.1 to 6.

On perusing the order impugned, this Court is of the view that the dismissal of the petition filed by the petitioners is not erroneous or illegal. But, at the same time, taking into consideration the facts and circumstances, the petitioners may be given one more opportunity to cross-examine P.Ws.1 to 6, since the petitioners are alleged to have committed offences under Sections 324, 509 IPC read with Section 34 IPC. Hence, the petitioners are directed to file an application to recall P.Ws.1 to 6 for cross-examination on or before 25.01.2016 and on such filing, the Court below is directed to allow the application on payment of costs of Rs.500/- payable to P.Ws.1 to 6 each, and fix a date for

cross-examination of P.Ws.1 to 6. It is also made clear that if the petitioners fail to cross-examine P.Ws.1 to 6 on the date so fixed, the Court below is at liberty to pass appropriate orders in accordance with

law.

The Criminal Revision Case is accordingly disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

---

**JUSTICE RAJA ELANGO**

05.01.2016

pln