

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2939 OF 2015

ORDER:

The petitioner has 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 30.10.2015 passed in CrI.M.P.No.834 of 2015 in C.C. No.14 of 2010 by the Court of the Special Judge for SPE and ACB Cases, Visakhapatnam, whereby the learned Judge dismissed the petition filed by the petitioner/A.1 under Section 243(2) of the CrPC to summon the Superintendent (Administration), Office of the Divisional Forest Officer (T), Visakhapatnam, to produce the entire file in R.C.No.3561/2009-L, dated 20.08.2009, including acknowledgement by the complainant on 20.08.2009 and to give evidence.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously dismissed the petition filed by the petitioner to summon the Superintendent (Administration), Office of the Divisional Forest Officer (T), Visakhapatnam, to produce the entire file in R.C.No.3561/2009-L, dated 20.08.2009, including acknowledgement by the complainant on 20.08.2009 and to give evidence. He further submits that summoning the said person is very much essential to prove the case of the petitioner and if he is not summoned, it would cause serious injustice to the petitioner/A.1.

This Court is of the view that the Court below rightly dismissed the petition filed by the petitioner to summon the Superintendent (Administration), Office of the Divisional Forest Officer (T), Visakhapatnam, to produce the entire file in R.C.No.3561/2009-L, dated 20.08.2009, including acknowledgement by the complainant on

20.08.2009 and to give evidence, because the purpose of summoning the Superintendent is to disprove the version of P.W.1 by alleging that P.W.1 deposed that A.1 delivered the proceedings for lifting of timber and that in fact the same was issued by the Office of the Divisional Forest Officer and not the petitioner/A.1. This Court is of the view that it is evident from the record that A.1 handed over the proceedings issued by the Divisional Forest Officer. It is also evident from the cross-examination of P.Ws.1, 3 and 5 in this connection. Hence, the said fact also need not be proved by way of re-opening the case of prosecution and examining the Superintendent (Administration). Hence, the order of the Court below is in accordance with law and needs no interference by this Court.

The Criminal Revision Case is accordingly dismissed. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.



JUSTICE RAJA ELANGO

28.01.2016
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