

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1285 OF 2014

ORDER:

The petitioner has 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 17.06.2014, passed in CrI.M.P.No.1023 of 2014 in C.C.No.135 of 2011 on the file of the III Additional Judicial Magistrate of First Class, Rajahmundry, whereby the learned Judge dismissed the petition filed by the petitioner to reopen the case for the purpose of cross-examination of P.W.6.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petition filed by the petitioners under Section 311 of CrPC., to recall P.W.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 petitioner to cross-examine P.W.6.

On perusing the order impugned, this Court is of the view that the dismissal of the petition filed by the petitioner is not erroneous or illegal. But, at the same time, taking into consideration the facts and circumstances, the petitioner may be given one more opportunity to cross-examine P.W.6. Hence, the petitioner is directed to file an application to recall P.W.6 for cross-examination on or before 28.02.2016 and on such filing, the Court below is directed to allow the application on payment of costs of Rs.1,500/- payable to P.W.6, and fix a date for cross-examination of P.W.6. It is also made clear that if the petitioner fails to cross-examine P.W.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

12.02.2016
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