

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2938 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.837 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 Forest Range Officer, Office of Divisional Forest Office, Flying Squad Division, Visakhapatnam, to produce Offence Register of Flying Squad Division, Visakhapatnam, pertaining to the years 2001-2002, 2002-2003, 2003-2004 and 2015-2016 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 Forest Range Officer, Office of Divisional Forest Office, Flying Squad Division, Visakhapatnam, to produce Offence Register of Flying Squad Division, Visakhapatnam, pertaining to the years 2001-2002, 2002-2003, 2003-2004 and 2015-2016 and to give evidence. He further submits that summoning the said person to produce the relevant Offence Registers is very much essential to prove the fact that the petitioner caught hold of P.W.1 in connection with illicit smuggling of timber during the period of A.1, Forest Range Officer.

This Court is of the view that the Court below rightly dismissed the petition filed by the petitioner to summon the Forest Range Officer, Office of Divisional Forest Office, Flying Squad Division, Visakhapatnam, to produce Offence Register of Flying Squad Division, Visakhapatnam,

pertaining to the years 2001-2002, 2002-2003, 2003-2004 and 2015-2016 and to give evidence, because P.W.1 himself admitted that he was caught hold in connection with illicit smuggling of timber during the period of A.1, Forest Range Officer, and that it is also evident from the perusal of the cross-examination that he has paid the compound fee to the petitioner/A.1. The Court below further held that the petitioner/A.1 can straight away rely on the admission of P.W.1 to prove the differences between them. Hence, this Court is of the view that 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.

28.01.2016
pln



JUSTICE RAJA ELANGO