**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.1464 OF 2014**

**ORDER:**

This Criminal Revision Case is filed by A.1 & A.2 challenging the order of the I Additional Chief Metropolitan Magistrate, Hyderabad in dismissing Crl.M.P.No.119 of 2014 in C.C.No.250 of 2012 filed under Sections 313 and 461 Cr.P.C. seeking to recall and re-examine the petitioners-A.1 and A.2 under Section 313 Cr.P.C. by discarding their earlier evidence recorded on 25.10.2013.

The main contention of the learned counsel for the petitioners is that majority of the questionnaire was addressed to A.3 and answers were elicited from the petitioners herein, that those questions relate to some other accused, and that they are totally irrelevant to the petitioners herein. It is further submitted that in view of lack of clarity in the questions, the petitioners herein could not answer them properly.

Heard and perused the material available on record.

As rightly pointed out by the learned counsel for the petitioners, most of the questions are relating to different events which are not necessarily to be answered by some of the accused. For example, question No.7 runs as follows:

"Q.No.7: P.W.1 also deposed that in the month of December, 1999 A1 and A2 of you went to his premises and claimed his property; that A3 of you executed a sale deed in favour of A2 of you regarding his house; immediately he went to Sub Registrar office and verified all the documents and came to know that the boundaries extent and construction area mentioned in the sale deed executed by A3 of you in favour of A2 of you are not tallied with the boundaries mentioned in Ex.P1; that the certified copy of sale deed executed by A3 in favour of A2 (Ex.P2) is a forged document. What do you say?"

That question is a mixed question of events alleged to be happened on different dates. It indicates that the learned Magistrate has not framed the question properly. Considering the said fact and in view of the amended provision under Section 313(5)(2) of Cr.P.C., the learned Magistrate shall frame the questions afresh under Section 313 Cr.P.C. with the assistance of the Public Prosecutor concerned and the learned counsel for the petitioners. After framing such questions, the learned Magistrate shall put the questions to the accused concerned. The counsel for the petitioners appearing before the trial Court is at liberty to frame the answers on behalf of the petitioners. After recording the answers, the learned Magistrate is directed to dispose of the case in accordance with law as expeditiously as possible, more preferably, on or before 31st August, 2016.

The revision is disposed of accordingly. Consequently, pending miscellaneous petitions shall stand closed.

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JUSTICE RAJA ELANGO

27.06.2016

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