

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2510 of 2015

ORDER:

The present Criminal Revision Case is filed under Section 397 and 401 of Cr.P.C., by the petitioner/complainant aggrieved by the order dated 01.09.2015 passed in CrI.M.P.No.1547 of 2015 in C.C.No.117 of 2014 by the Special Magistrate, erramanzil, Hyderabad District, whereby the Court below has dismissed the application filed under Section 311 of Cr.P.C. to recall him for marking of documents on his behalf.

A perusal of the material on record shows that the petitioner/complainant was examined as P.W.1 and also cross-examined. Later, the present application in CrI.M.P.No.1547 of 2015 in C.C.No.117 of 2014 came to be filed stating that at the time of his chief examination, one crucial document was omitted to be marked due to oversight and since the said document is very much necessary to prove the case against the accused, a request was made for recall of P.W.1 for marking of the documents. The said application was opposed by the respondent/accused on the ground that said application is filed at a belated stage only with a view to protract the litigation and to harass him. It was also contended that when the case is at the stage of arguments, filing of such application is only to fill up the lacunae in the case.

Having considered the rival submissions, the Court below dismissed the same by an order dated 01.09.2015. Challenging the said order, the present revision came to be filed.

Heard learned counsel for the parties and perused the material on record.

A perusal of the material on record would show that the case is at the stage of arguments and the documents, which the petitioner/ complainant seeks to mark are promissory notes of Rs.1,00,000/- each, all dated 16.08.2012 executed by the respondent/accused in favour of the complainant. When the entire case of the respondent/accused was un-folded, marking of such documents at the stage of arguments would definitely cause prejudice to the case of the respondent/accused. The petitioner/complainant seeks to file those documents on the ground that they were misplaced earlier. Such explanation cannot be accepted at the belated stage, moreso when the case is at the stage of arguments.

For the aforesaid reasons, there are no merits in this revision and the same is accordingly dismissed.

JUSTICE C. PRAVEEN KUMAR

14.03.2016.

Msr

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