

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

**CRIMINAL REVISION CASE Nos.539, 623 AND
624 OF 2017**

COMMON ORDER:

These three revisions maintained by the accused persons against the impugned orders dated 08.02.2017, allowing on contest the three applications of the prosecution/*de facto* complainant viz., (1) CrI.M.P.No.37/2017, under Section 231 and 173(5) Cr.P.C., to receive the medical report of P.W.3 issued by Mamatha General Hospital, Khammam, (2) CrI.M.P.No.38/2017, filed under Section 311 Cr.P.C. to summon Dr.V.Sankara Rao, who issued the said wound certificate to P.W.3, having treated him in Mamatha General Hospital supra and also to summon Dr.Dyaneswar, who issued the radiology report by radiology examination of P.W.3 at Mamatha General Hospital and (3) CrI.M.P.No.39/2017 for recall of P.W.3 for further examination with reference to the medical record supra sought to be received in CrI.M.P.No.37/2017.

2. Heard learned counsel for the revision petitioners and also the Public Prosecutor representing the respondent – State and perused the material on record.

3. No doubt, the memo of evidence enclosed to the police final report no way shows any reference of issuance of wound

certificate and radiology report at Mamatha General Hospital, Khammam, by the respective doctors Sankar Rao and Dyaneswar, but for mentioned as L.W.10., one Dr.K.L.Narasimha Rao of Vijaya Health Care Centre, Secunderabad, showing he treated the injured and issued wound certificate. However, the fact remains that at page 2 of the charge sheet at Para 1 last lines, it is clearly mentioned that immediately after the occurrence by securing an auto, the injured were shifted to the Mamatha General Hospital, Khammam.

4. Even police not cited in the memo of evidence either Dr.V.Sankara Rao or Dyaneswar of the Mamatha General Hospital, Khammam, about their treatment of the injured, once the investigation shows injured initially was treated therein, there is no necessity of directing a further investigation under Section 173(8) Cr.P.C. for that purpose. Once the same is required to be proved, it is just to order to sub-serve the ends of justice from the power conferred on the court not only on the request of the prosecution or *de facto* complainant to call for the record under Section 242 Cr.P.C. (wrongly mentioned as if under Section 231 Cr.P.C.), but also under Section 165 of the Indian Evidence Act likewise to recall the witness P.W.3 further examination, besides examination of the two doctors, also under the second limb of Section 311 Cr.P.C. r/w. Section 165 of the Indian Evidence Act. Thereby there is nothing to interfere with the impugned

orders of the lower Court in permitting the recall of P.W.3 and receiving of the document and for summoning of the two doctors.

5. Accordingly, these revision petitions are dismissed. Miscellaneous petitions pending, if any, in this case shall stand closed.

DR.B.SIVA SANKARA RAO,J

16.03.2017
SS

