

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.375 of 2017

ORDER :

Aggrieved by the order dated 08.01.2017 in CrI.MP.No.6673 of 2016 in C.C.No.246 of 2008 passed by the XIII Additional Chief Metropolitan Magistrate Mahila Court, Hyderabad, this revision is filed by the petitioners/ accused.

Heard both sides. Perused the impugned order, grounds of revision, petition and counter filed before the lower Court, in passing the order under Section 311 Cr.P.C.

Leave about Part-II of Section 311 Cr.P.C. enables the Court to receive, where necessary as part of its duty from the use of word 'shall' apart from under Part-I 'may' on the application of prosecution or the accused to permit any recall of witness or additional evidence, there is another power under Section 165 of the Indian Evidence Act vested with the Court. Apart from it, the document is marked already and PWs.1 to 3 were cross examined with reference to it and it is the suggestion of the same is allegedly a forged outcome. Even summoning for its proving, the so called persons, who are signatories to the document no way cause further prejudice to the accused, but for any contention of the same is outcome of forgery, left open to work out as part of the defence.

Accordingly, the Criminal Revision Case is disposed of, before admission.

Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:14-02-2017

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