

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.8597 OF 2017

ORDER:

Heard learned counsel for the petitioner and also the learned public prosecutor, representing the 1st respondent – State, before ordering notice to the accused persons/respondents 2 to 4 and perused the impugned order of the learned Magistrate, dated 04.08.2017, dismissing the CrI.M.P.No.2147 of 2017 in C.C.No.269 of 2015 of recall of P.W.4, sought for was dismissed with observation that though originally it is differed at request of accused, subsequently, despite opportunities for more than three times, the witness did not turn up and it is there from the evidence is treated with no value though loosely referred as if 'eschewed', which term is unknown to the Evidence Act. Thus, the court found there is no justification to permit recall. Hence, there is nothing to interfere with the dismissal order for this Court, while sitting in appeal.

2. Accordingly and with the above observation, this criminal petition is dismissed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

06.10.2017
SS