

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.3223 of 2017

ORDER:

This Civil Revision Petition under Section 227 of the Constitution of India is filed challenging the Order dt.14.06.2017 in I.A.No.115 of 2012 in O.S.No.189 of 2009 passed by the Special Judge for Trial of Offences under SCs. and STs (POA) Act-cum-VI Addl.Metropolitan Sessions Judge, Secunderabad declining to recall PW-1 for further cross examination by the defendants.

The reason for recall of PW-1 for further cross examination is that the first petitioner was a paralytic patient and second petitioner is his wife who gave instructions to cross examine, but due to certain lapses, the witness could not be cross examined effectively and therefore, sought for recall of PW-1 with regard to Will which is necessary for deciding real controversy.

The learned counsel for respondents though initially opposed but requested to direct the petitioners to cross examine PW-1 on 19.07.2017.

Therefore, recording the submission of the learned counsel for the respondents, without going into the merits of the case, I deem it appropriate to direct the trial Court to recall PW-1 on 19.07.2017 enabling the learned counsel for the defendants to complete the cross examination of PW-1 on that day. In the event the defendants' counsel fails to cross examine PW-1 on his appearance,

the right to cross examine PW-1 by the defendants' counsel is deemed to have been forfeited.

With the above direction, the revision petition is ordered accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

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M. SATYANARAYANA MURTHY, J

Date:10-07-2017

Note:

Furnish C.C. by tomorrow.

B/O

Ccm



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