

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.952 OF 2017

ORDER:

Heard, before admission and before notice to the 2nd respondent, this criminal revision case is disposed of with the following directions:

The D.W.3's sworn affidavit it appears already taken on oath as per law. At that stage, the question of eschewing such evidence brought on record does not arise being unknown to the Evidence Act, but for the incomplete evidence not to rely.

Having regard to the above and in the result, by setting aside the impugned eschew order, the revision is allowed subject to costs of Rs.1,000/- payable by the petitioner/accused to the complainant in open court and secure presence of D.W.3 on 17.04.2017 to record his evidence based on his evidence in chief on record by the trial court on that date or any other date convenient to the trial court. Any non-compliance of above directions, the impugned order of the lower court to hold good without any further reference to the court.

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

DR.B.SIVA SANKARA RAO,J

**06.04.2017
SS**