

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRL.R.C. No.1931 OF 2009

JUDGMENT:

The present Criminal Revision Case is filed by the revision petitioners - accused challenging the order, dated 19.10.2009, passed in CrI.M.P. No.1247 of 2009 in C.C. No.100 of 2009, by the learned XV Additional Judge - cum - XIX Additional Chief Metropolitan Magistrate, Hyderabad, whereby and where-under, the learned Magistrate dismissed the application, where a request was made to eschew the evidence of PW.1.

2. The main ground on the basis of which, such a request was rejected as per the observations made in paragraph N.7 of the order is that, PW.1 is no more. After tendering evidence, it appears, he died and the revision petitioners, who are accused Nos.1 to 3, made that application to eschew the evidence of PW.1. The learned Magistrate referring to the purport of Section 33 of the Indian Evidence Act, 1872, dismissed the petition.

3. It is true, when a witness dies after making a statement in judicial proceedings, such statement is admissible in evidence as per Section 33 of the Indian Evidence Act, 1872, and it becomes relevant. Therefore, there is no irregularity or illegality that crept in, to accede to the request in the present Criminal Revision Case. The Criminal Revision Case is devoid of merit.

4. The present Criminal Revision Case is, accordingly dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the present revision, stand closed.

A. SHANKAR NARAYANA, J

November 20, 2017.

Mgr

