

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.2714 of 2017

ORDER:

The present Criminal Revision Case is preferred by the complainant in C.C.No.21 of 2016 aggrieved over the order dated 26.04.2017 in CrI.M.P.No.274 of 2017 in C.C.No.21 of 2016 passed by the learned Judicial Magistrate of First Class, Palakol, whereby and whereunder, the request made by the petitioner – complainant to examine the Manager of Karur Vysya Bank, Palakol, as a witness by issuing summons, was refused.

Sri Palla Balu Anil Kumar, learned counsel for the revision petitioner, would submit that the proposed witness is not a stranger and, in fact, he is cited as a witness in the list of witnesses annexed to the complaint. He has also drawn the attention of this Court to the said list of witnesses, wherein the Branch Manager, IDBI Bank, S.D. Road, Secunderabad is shown as the 1st witness and the Branch Manager, Karur Vysya Bank, Palakol Branch, West Godavari District, is shown as the 2nd witness.

It is no doubt true, the present revision case is taken up for disposal at the admission stage itself. The present revision case can be disposed of for the reason that the witness sought to be summoned is not a stranger, as he is already cited as a 2nd witness in the list of witnesses referred to in the above and, therefore, he could not even surprise the accused if the present revision case is allowed.

Normally, when the witnesses sought to be summoned are shown in the list of witnesses annexed to the complaint, there shall not be any objection to the court to summon and examine such witnesses. It is only when the witness who is not shown in the list of witnesses is summoned, the court can exercise discretion whether his evidence is relevant in adjudicating the controversy between the parties. On the mere ground that the 2nd respondent did not question the cheque return memo, the request of the revision petitioner ought not to have been refused.

Therefore, setting aside the order under challenge, the present Criminal Revision Case is allowed directing the Judicial Magistrate of First Class, Palakol, to examine the Manager of Karur Vysya Bank, Palakol, as a witness by issuing summons.

Miscellaneous Petitions, if any, pending in the present revision case, stand closed.

A. SHANKAR NARAYANA, J

30.11.2017

v v