

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Revision Case No.367 of 2018

ORDER:

Heard learned counsel for petitioner and this CrI.R.C. is disposed of at the admission stage, as this Court finds no reason to order notice to respondents.

2) This Criminal Revision Case is preferred by the petitioner aggrieved by the order dated 25.01.2018 in CrI.M.P.No.3 of 2018 in M.C.No.18 of 2015 on the file of Family Court-cum-Additional District Judge, Karimnagar whereby and whereunder the learned Judge allowed the petition filed under Section 311 Cr.P.C. to re-call the petitioner herein for cross-examination.

3) The submission of learned counsel for petitioner is that the respondent was given a number of adjournments i.e. 17.11.2017, 22.11.2017, 30.11.2017 and finally 12.12.2017 for cross-examination but the respondent did not avail all those adjournments to cross-examine RW1 and therefore, the trial Court was pleased to close the cross-examination and there are no *bona fides* on the part of respondent herein to seek for re-call of RW1. It is further argued thought she pleaded ill-health she did not produce any medical certificate to establish the fact. Hence, the Court below ought to have rejected her request.

4) A perusal of the impugned order would show that the trial Court having considered the fact that by permitting the respondent

herein to cross-examine RW1 no prejudice will be caused to the petitioner herein and in order to give an opportunity to the respondent herein allowed the petition and permitted her to cross-examine RW1. The contention of petitioner herein is, taking into consideration the matter went on adjournments between 17.11.2017 and 12.12.2017 i.e. for about 25 days the petition ought to be dismissed. The submission of respondent was that she was suffering with ill-health and therefore, she could not cross-examine RW1. Having regard to her submission, I find no illegality or perversity in the said order. Respondent filed MC for maintenance and unless she is permitted to cross-examine RW1 who is her husband, she cannot vindicate her stand before the trial Court.

5) Having regard to the facts and circumstances, the order of the trial Court cannot be found fault. However, in view of the fact that matter is coming up for arguments and any further delay would cause inconvenience to both the parties, the trial Court is directed to fix a date for cross-examination of RW1 and respondent herein shall complete cross-examination on the same day without fail.

6) The Criminal Revision Case is accordingly disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 12.02.2018

Murthy