

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.591 of 2018

ORDER:

This Criminal Revision Case is filed by the petitioner/accused aggrieved by the order dated 22nd February, 2018 in CrI.M.P.No.116 of 2018 in S.C.No.52 of 2017 on the file of Special Judge constituted under Protection of Children from Sexual Offences Act-cum-I Additional Sessions Judge at Guntur, whereby and whereunder the learned Judge dismissed the petition filed by the petitioner under Section 311 of Cr.P.C. praying to recall P.Ws.2 to 4 for further cross-examination.

A perusal of the petition filed before the lower court would show that he sought recall of P.Ws.2 to 4 on the ground that the accused failed to put some questions relating to the report allegedly given and also 161 Cr.P.C. Statements of P.Ws.2 and 4. He stated that since P.Ws.2 to 4 are material witnesses and if an opportunity was not given to him, it would be difficult for him to substantiate his defence. The trial court dismissed the said petition on the observation that a perusal of the cross-examination would show that the counsel for the accused has already sufficiently cross-examined the witnesses on the aspect of which he now sought for further cross-examination.

A perusal of the application filed by the petitioner before the lower court would show that as stated supra, he sought for recall of P.Ws.2 to 4 on two main grounds. Firstly, that he wanted to further

cross-examine them with regard to 164 Cr.P.C. Statements and secondly with regard to their report allegedly given by P.Ws.2 to 4.

Turning to the cross-examination of P.Ws.2 to 4, as rightly observed by the trial court, the petitioner/accused has cross-examined P.Ws.2 to 4 at length. During cross-examination of P.W.2, he put questions relating to her 161 Cr.P.C. statements as well as 164 Cr.P.C. statements, gave a suggestion that what all she stated in her 161cr.P.C. statement and 164 Cr.P.C. Statements were false which was denied. A perusal of evidence of P.Ws.2 to 3 would show that the petitioner/accused had cross-examined them at length and covered all the material aspects touching to the case and their evidence. Therefore, as rightly observed by the trial court, there was no aspect which was uncovered by the accused during his cross-examination of the aforesaid witnesses. Thus, as no purpose will be served in allowing the said petition, I find no perversity or illegality in the order impugned and accordingly this revision case is dismissed.

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

JUSTICE U.DURGA PRASAD RAO

Dated 7th March, 2018.

Dvs

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



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