

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.697 of 2018

ORDER:

Heard the learned counsel for the petitioner.

This Criminal Revision Case is disposed of at the admission stage as the Court finds no reason to order notice to respondents.

This Criminal Revision Case is filed by the petitioner/accused aggrieved by the order dated 12-2-2018 in CrI.M.P.No.356 of 2018 in C.C.No.175 of 2017 whereunder the learned Special Magistrate V at Visakhapatnam, allowed the petition filed by respondent/complainant under Section 242 (3) Cr.P.C. to receive the documents i.e., statement of Account of Mr.Rakurthi Chakradhar Rao bearing S.B. account No.333010078 maintained with Kotak Mahindra Branch, Main Branch, Visakhapatnam, who is the father of the complainant to show that his father was having amount in his account and he has taken an amount of Rs.10,00,000/- from his father to lend it to the accused. The said petition was filed in the backdrop of the petitioner/accused putting questions in cross-examination of P.W.1 relating to the capacity of the respondent/complainant to lend Rs.20,00,000/- and the Court allowed the said petition with a liberty to the petitioner/accused to cross-examine the proposed witnesses from whom the document is to be exhibited.

This Court, on a careful scrutiny finds no illegality or perversity in the order impugned.

Learned counsel for the petitioners sought to project that earlier respondent/complainant filed a similar petition Crl.M.P.No.5204 of 2017 and the same was dismissed and therefore, trial court ought not to have allowed the Crl.M.P.No.356 of 2018 filed for similar relief.

In para 4 of the impugned order, the trial court dealt with the said aspect. It observed that the said petition was dismissed because without examining his father he cannot prove the financial status of his father and now in the petition itself, the complainant stated that he wants to examine his father and through him he intends to exhibit the proposed document to prove his financial status and therefore, there is no hurdle for the court to allow the said petition even the earlier application in Crl.M.P.No.5204 of 2017 was dismissed.

In view of the categorical finding given by the trial court in its impugned order, the present argument of the learned counsel cannot be countenanced.

In the result, this Criminal Revision Case is dismissed at the admission stage.

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

JUSTICE U.DURGA PRASAD RAO

Dated 12th March, 2018.

Dvs

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