

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.765 of 2018

ORDER:

Heard Sri D.Purna Chandra Reddy, learned counsel for the petitioners and the learned Additional Public Prosecutor.

This Criminal Revision Case is filed by the petitioners/A.1 to A.3 aggrieved by the order dated 12th February, 2018 in CrI.M.P.No.77 of 2018 in S.C.No.8 of 2015 passed by the learned Principal Sessions Judge, (FAC I-Additional Sessions Judge), Mahabubnagar, dismissing the petition filed under Section 311 Cr.P.C. to recall P.W.1 for further cross-examination.

The petitioners are facing charges for the offences under Sections 304-II I.P.C. and 135 of the Electricity Act. The trial is under way. Petition was filed to recall P.W.1 for further cross-examination and the same was dismissed by the trial court on the main observation that in the petition they have not specified what were the aspects on which they require to further cross-examine P.W.1.

Learned counsel for the petitioner would submit that the only aspect on which the petitioners want to further cross-examine P.W.1 is to put a denial suggestion to the effect that A.1 is not cultivating the land bearing S.No.113 and A.3 is not the farm servant of A.1 and A.2 in respect of the said land and that A.1 has not raised maize crop therein and erected electricity to it to prevent entry of wild boars.

Learned counsel would fairly submit that except the above denial suggestion, he has no other questions to put to P.W.1 and unfortunately, before the lower court, that aspect was not clearly stated. He would urge, unless the said question is put to P.W.1, the accused cannot effectively defend their case and therefore, an opportunity may be given to them.

Considering the above prayer, this Criminal Revision Case is allowed and the impugned order is set aside and the trial court is directed to recall P.W.1 and fix a date for further cross-examination of P.W.1 and permit the petitioners/A.1 to A.3 to put only the above mentioned specific question and none else.

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

JUSTICE U.DURGA PRASAD RAO

Dated 16th March, 2018.

Note:

Issue C.C. by 17-03-2018.

(b/o)

Dvs

