

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 1847 OF 2010

ORDER:

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent State.

2. The present Criminal Revision Case is filed questioning the orders filed in CrI.M.P.No.1369 of 2010 in C.C.No.99 of 2009 dated 17.8.2010 on the file of the Court of the Principal Junior Civil Judge, Nandigama, dismissing the petition filed under Section 311 Cr.P.C., for recalling PW1 for further cross-examination.

3. The facts in brief are that the petitioner has been charged for the offence under Section 420 IPC. During the course of enquiry, the petitioner filed CrI.M.P.No.1369 of 2010 under Section 311 Cr.P.C. to recall PW1. In the petition, the petitioner has stated that the cross-examination of PW1 was completed on 20.4.2010. Thereafter, it was noticed that some important points that are to be put to PW1 were missed, which has necessitated to file a petition for recalling PW1. The said petition was dismissed by the Court below by orders dated 17.8.2010. Aggrieved by the same, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would contend that though no specific reason has been mentioned in the petition, still the petition can be entertained as this Court and the Hon'ble Apex Court, liberally construed the provision under Section 311 Cr.P.C. In fact, if PW1 is recalled, no prejudice would be caused to him.

5. Per contra, learned Public Prosecutor appearing for the respondent State supported the impugned order.

6. Having heard both the counsel and from the perusal of the material on record, it is revealed that the petitioner, in the petition, except making a bald statement that some important points that are to be questioned were not put to PW1, he may be recalled, has not stated any specific reason for recalling PW1. Though Section 311 Cr.P.C. has been liberally construed, unless and until the petitioner makes out a factual foundation with reference to the points that are missed which are to be put to PW1, the petition cannot be entertained.

7. Therefore, this Court is of the opinion that there are no merits in the Criminal Revision Case and the same is liable to be dismissed.

8. Accordingly, the Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA VA RAO,J

Date: 17.9.2018

KPM