

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL REVISION CASE No.626 OF 2011

ORDER:

This criminal revision case is filed by the petitioner/accused, under Sections 397 and 401 of Cr.P.C., aggrieved by the order dated 12.01.2011 in CrI.M.P.No.100 of 2011 in C.C.No.394 of 2009, passed by learned XV Additional Chief Metropolitan Magistrate/Special Court for the trial of Video Piracy Cases, Hyderabad, dismissing the petition filed by the petitioner under Section 311 Cr.P.C. to recall P.W.5 for further cross-examination.

2. As can be seen from the material papers produced along with criminal revision case, P.W.5 is a mediator in whose presence the police of Malkajgiri Police Station said to have seized Mos.1 to 4 and Exs.P4 and P5. The witness was examined before the trial court on 15.11.2010 and was cross-examined also. However, CrI.M.P.No.100 of 2011 was filed to recall the said witness and the same was dismissed by the trial court.

Hence, the instant criminal petition.

3. When the matter came up for hearing today, there is no representation for petitioner. As can be seen from the impugned order, the trial court dismissed the petition with the observation that the petitioner/accused, having availed

the opportunity to cross examine the witness, cannot seek for recall of the witness without any justified ground.

4. As rightly observed by the trial court, the petition was silent on the specified aspects that were not covered in the cross-examination. I find no illegality or irregularity in the order impugned to set aside the same. Added to it, the impugned order was passed against the petition filed under Section 311 Cr.P.C. to recall the P.W.5, which being the interlocutory order, no criminal revision case is maintainable as against such an order, vide the decision of the Hon'ble Supreme Court in **Sethuraman v. Rajamanickam**¹.

5. Accordingly, this criminal revision case is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

22.10.2018

Note: Office is directed to communicate a copy of this order to the trial court.

B/o.SS

¹ (2009) 5 SCC 153