

HON'BLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL REVISION CASE No. 1628 of 2018

ORDER:

Heard the learned counsel for the petitioner as well as the respondents 2 and 3.

The present criminal revision case is filed questioning the orders dated 25.06.2018 passed in CrI.M.P.No.763 of 2018 in M.C.No. 300 of 2015, on the file of the Court of the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge-cum-IX Additional Metropolitan Sessions Judge, Hyderabad, dismissing the petition filed under Section 311 Cr.P.C. to recall RW-1 for the purpose of adducing the evidence.

The facts in brief are that the respondents 2 and 3 filed M.C.No.300 of 2015 against the petitioner, claiming a sum of Rs.30,000/- towards maintenance, on the file of the said Court. In the said maintenance case, the evidence of the respondents 2 and 3 is completed and coming up for the evidence of the petitioner. During the pendency of the maintenance case, since the petitioner has not appeared before the Court, as he was hospitalized, his evidence was closed. In those circumstances, he filed CrI.M.P.No.763 of 2018 to recall RW-1 for adducing his evidence. The said application has been dismissed by orders dated 25.06.2018. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioner, would contend that on 20.06.2018, the petitioner was suffering from piles and he was hospitalized. His absence on the said date, is not intentional. Therefore, an opportunity may be given to the petitioner.

Per contra, the learned counsel for the respondents 2 and 3, opposed the relief and submitted that there are no *bona fides* on the part of the petitioner in not appearing before the Court below on 20.06.2018.

Having heard both the learned counsel and a perusal of the material on record, it is revealed that 20.06.2018, the petitioner could not appear before the Court below because of his hospitalization. Therefore, this Court deems it appropriate to give an opportunity to the petitioner to appear before the Court below and adduce his evidence.

Accordingly, the criminal revision case is allowed setting aside the orders dated 25.06.2018 passed in CrI.M.P.No.763 of 2018 in M.C.No. 300 of 2015, on the file of the Court of the Additional Metropolitan Sessions Judge for the Trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge-cum-IX Additional Metropolitan Sessions Judge, Hyderabad.

It is needless to observe that the learned Sessions Judge, is directed to fix a date for examination of RW-1 and the petitioner is directed to complete his evidence without taking any adjournment, failing which, the order, passed above shall automatically stand cancelled.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

Date:03.08.2018
ccm

P. KESHAVA RAO,J

HONOURABLE SRI JUSTICE P. KESHAVA RAO



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ccm