

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No. 4586 OF 2015

ORDER:

This civil revision petition under Article 227 of the Constitution of India is filed challenging the order dated 09-07-2015 in I.A.No. 947 of 2015 in O.P.No. 680 of 2012 on the file of the Court of Principal District Judge, Karimnagar (for short, 'the Court below'), whereby it rejected the abovementioned I.A. filed by the petitioner for summoning of investigating officer in crime No. 486 of 2011 of Karimnagar Rural Police Station to examine him to prove the contents of the charge sheet filed by him along with other material as there is a dispute with regard to identity of the crime vehicle.

2. None appeared for the respondents despite service of notice.
3. The main endeavour of the petitioner-insurance company is to prove that the vehicle insured with it was not the vehicle involved in the accident. Since it is the contention of the petitioner that vehicle bearing registration No. AP 27 U 7868 insured with it was planted, it is necessary to examine the investigating officer to prove its contention to avoid its liability under the policy. Therefore, the petitioner is entitled to summon the investigating officer whose evidence is necessary to substantiate its contention about involvement of the crime vehicle.
4. The Court below by the impugned order rejected the petition while observing that no purpose would be served even if the investigating officer is summoned and examined. When an interlocutory application is registered, question of rejecting it does not arise and at best, the Court below can either allow or dismiss it. Moreover, the evidence of the Sub-Inspector of Police, Karimnagar Rural Police Station, who investigated the above crime, is necessary

to substantiate the contention of the petitioner but the Court below did not consider the relevancy of the evidence of the investigating officer and thereby committed an error in rejecting the petition even after it is numbered/registered.

5. In view of my foregoing discussion, I am of the view that the evidence of the investigating officer who investigated the above crime is necessary to decide the real controversy. Consequently, the impugned order is liable to be set aside and is accordingly set aside.

6. In the result, the civil revision petition is allowed directing the Court below to issue summons to the Sub Inspector of Police, Karimnagar Rural Police Station. Pending miscellaneous petitions, if any, in this civil revision petition shall stand closed in consequence. No costs.

Date: 01-02-2018.

Note:

Issue C.C. in three days.

B/O

JSK

M.SATYANARAYANA MURTHY, J.

