

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO: 3 2 4 6 OF 2018

ORDER :

This Criminal Revision Case is arising out of the order dated 12/11/2018 passed by the IV-Additional Metropolitan Sessions Judge, Hyderabad, in DVC Appeal No. 1328 of 2017 allowing the CrI.MP.No. 68 of 2017 in D.V.C.No. 53 of 2013, dated 09/03/2017 on the file of the Court of III-Metropolitan Magistrate, Hyderabad, filed under section 311 of Cr.P.C., for recall of RW.1.

2. The Revision Petitioner is the respondent No.1 in the above criminal appeal. The respondents 2 and 3 herein have filed DVC.No. 53 of 2013 on the file of the Court of III-Metropolitan Magistrate, Hyderabad. During the trial of D.V.C.No. 53 of 2013, when the matter was posted for final orders, the complainant/wife [RW-1] has filed a petition under section 311 of Cr.P.C., for recall of RW-1, vide CrI.MP.No. 68 of 2017 for further cross-examination. The said petition was dismissed by the trial court stating that the case was of the year 2013 and there was a direction by this High Court to dispose of the case within four months from the date of receipt of a copy of the order. In spite of the orders passed by this Court, the petitioner

did not advance any arguments in the matter having taken several adjournments, hence the trial Court dismissed the recall petition filed under section 311 of Cr.P.C.

3. Heard Sri K.V. Mallikarjuna Rao, learned counsel for the Revision Petitioner and perused the material available on record.

4. Originally, D.V.C.No. 53 of 2013 was filed by the complainant/wife claiming various reliefs under Domestic Violence Act. The very object of Domestic Violence Act is to provide immediate remedy to the victim of domestic violence. In the instant case, there was a direction by this Court to the trial Court to dispose of D.V.C.No. 53 of 2013 within four months from the date of receipt of a copy of the order dated 31/08/2015. As early as in the year 2015, there was an order by this Court to dispose of the matter within four months from the date of receipt of a copy of this order, but the case could not be disposed of by the trial court. It is obvious from the record that there was non co-operation from the respondent No.2 herein, which resulted in the multiplicity of proceedings. However, the interest of justice would demand that the petitioner should be given an opportunity to cross-examine the witness. The valuable rights of the parties for the cross-examination are to be protected.

5. However, in the light of the facts and circumstances of this case, the trial Court is directed to dispose of the matter within two months from the date of receipt of a copy of this order by fixing a date for cross-examination of RW-1 and in case if the

respondent No.2 does not co-operate, the trial court may proceed and dispose of D.V.C.No. 53 of 2013 and pass appropriate orders on merits in accordance with law.

6. With the above observations, this Criminal Revision Case is disposed of.

7. As a sequel, miscellaneous applications if any, pending in this Criminal Revision Case shall stand disposed of.



28/11/2018
I s L

NB: Furnish CC tomorrow

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO: 3246 OF 2018

[RESULT: DISPOSED OF]



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Court Master: I s L

[Retyped 14/12/2018]