

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3423 OF 2018

ORDER:

This revision is arising out of docket order, dated 16.10.2018 passed in CrI.M.P.No.1288 of 2018 in C.C.No.279 of 2017 by the Addl. Judl. Magistrate of I Class, Sidhout.

2. The petitioner filed a petition before the trial Court under Section 311Cr.P.C. seeking to re-call P.W.1 for further cross-examination and the said petition was dismissed. Hence, this revision.

3. Heard the learned counsel for the petitioner, learned Public Prosecutor representing the State and perused the material on record.

4. Learned counsel for the petitioner submits that the petitioner is working as Assistant Director, Animal Husbandry department and he was alleged to have committed the offences punishable under Sections 354 (A), 354 (D) and 506 IPC. The petitioner could not elicit all the material aspects in the cross-examination of P.W.1 and therefore, he filed a petition for re-call of P.W.1 for further cross-examination. The trial Court without considering the fact that the petitioner has got to cross-examine P.W.1 on some material aspects, has dismissed the petition.

5. Learned Public Prosecutor submits that P.W.1 was cross-examined at length and re-calling of P.W.1 for further cross-examination on the ground that the petitioner has changed his counsel is not sustainable and therefore, sought for dismissal of the revision.

6. A perusal of the order passed by the trial Court clearly reveals that the petitioner was given opportunity to cross-examine P.W.1. The petitioner has also got cross-examined P.W.1 at length. It is obvious from the order that the petitioner has changed his counsel and in view of change of his counsel, he wanted to further cross-examine P.W.1. The order of the trial Court clearly reveals that the learned Magistrate has exercised his discretion and came to the conclusion that there is no necessity for re-calling P.W.1 for further cross-examination and dismissed the petition. Therefore, there are no valid grounds to interfere with the order passed by the learned Magistrate in dismissing the petition for re-calling P.W.1.

7. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 14-12-2018

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