

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3435 OF 2018

ORDER:

This revision is arising out of docket order, dated 28.11.2018 passed in CrI.M.P.No.233 of 2018 in C.C.No.93 of 2017 by the II Additional Junior Civil Judge, Guntur, whereunder and whereby the petition filed under Section 311 Cr.P.C. to re-call the witness, was dismissed.

2. The order passed by the trial Court, dated 28.11.2018 reads thus:

“Heard. As seen from the record, the petitioner, when the matter was posted to defence evidence after 313 Cr.P.C. examination, appeared and reported no evidence on his behalf and as such, it was taken up for arguments from 26.09.2018 to 03.10.2018, 11.10.2018, 16.10.2018 and then Dt.25.10.2018. The record also reveals that on 25.10.2018 arguments for complainant heard and defence arguments on 31.10.2018 were heard and posted to 8.11.2018 for judgment. The petitioner came up with the present petition at that stage. No, tenable reasons have been explained in the petition to consider the same. Thus for the above reasons, this petition is liable to be dismissed and is accordingly dismissed.”

3. Learned counsel for the petitioner placed reliance on the order passed by this Court, dated 31.10.2018 in CrI.R.C.No.2333 of 2018 and requests to pass similar order in this case.

4. The facts of the case in the revision case referred above are different from the facts of this case. In the said case, the documents sought to be marked are patta issued by G.H.M.C. and sale certificate issued by Bajaj Allianz. In the instant case, the petitioner has not given any particulars with regard to marking of any documents. The petitioner has stated in his petition that he is having sufficient evidence to prove his contention and he could not submit the

same before the trial Court at the time of 313 Cr.P.C. examination. It is also submitted that the petitioner failed to submit his arguments before the trial Court and therefore, sought for re-calling of P.W.1.

5. The petition itself is vague and not containing any particulars with regard to the relief claimed. It is also pertinent to note that the docket order passed by the trial Court reveals that the matter was taken up for arguments on 26.09.2018 to 03.10.2018, 11.10.2018, 16.10.2018 and then to 25.10.2018 and the defence arguments were heard on 31.10.2018 and the matter was posted for judgment on 8.11.2018.

6. Learned counsel for the petitioner submits that the matter was posted for judgment today.

7. The attitude of the petitioner reveals that he is not allowing the trial Court to proceed with the case smoothly. He is causing obstruction at the stage of arguments and taken several adjournments. This frivolous petition is filed by the petitioner with an intention to drag on the matter. The trial Court has rightly dismissed the petition filed under Section 311 Cr.P.C. to re-call P.W.1. There are no merits in this revision.

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

GUDISEVA SHYAM PRASAD, J

DATED: 19-12-2018

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