

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL REVISION CASE NO.3449 OF 2018

ORDER:

This revision is arising out of order, dated 20.09.2018 passed in CrI.M.P.No.1465 of 2018 in C.C.No.137 of 2016 by the III Addl. Chief Metropolitan Magistrate, Vijayawada.

2. The revision petitioner is the accused in C.C.No.137 of 2016. The 2nd respondent herein filed a petition under Section 311 Cr.P.C. to reopen the evidence of the accused for further cross-examination of D.W.1 and mark the document. The trial Court has allowed the petition. Aggrieved by the impugned order, the present revision is preferred on two grounds: (1) the 2nd respondent to both proceedings has filed a petition for re-call of witness for making the documents; and (2) there is no relevancy of the document for marking the documents in the evidence of D.W.1, and therefore, sought for setting aside the order passed by the trial Court.

3. At the outset, the present revision does not lie against the order passed in an interlocutory application filed under Section 311 Cr.P.C. to re-open the evidence of the accused by the 2nd respondent. As far as merits of the case are concerned, whether the receiving and marking of the documents in the evidence is relevant or not is to be considered by the trial Court after receiving the evidence of both parties and appreciation of the facts of the case. Therefore, the main contention of the petitioner appears to be that the 2nd respondent filed an application under Section 311 Cr.P.C. is only to drag on the proceedings before the trial Court. Generally, the complainants do not file petitions to drag on the proceedings. On the other hand, the present application was allowed already by the trial Court and the

document is also to be marked by the trial Court. At this stage, the present revision is not maintainable on the ground that it is an interlocutory order and also the admissibility of the document cannot be decided in this revision. Therefore, the revision fails and is liable to be dismissed.

4. Accordingly, the Criminal Revision Case is dismissed. However, the trial Court is directed to dispose of the matter as expeditiously as possible. Miscellaneous petitions, if any pending in this revision shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 17-12-2018

Hsd

