

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.192 of 2019

ORDER :

The petitioner is the accused. The *de facto* complainant is PW.1. PW.2 is the victim, no other than the daughter of PW.1, aged about 13 years. The learned Sessions Judge has taken cognizance for the alleged offences under Section 354(A)1(i) IPC and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012. It is from the charges framed in S.C.No.147 of 2017, accused put to trial and PWs.1 and 2 already examined respectively on 06.02.2019. It is later two petitions filed on 14.02.2019, which is seven days after their cross-examination completed, by the accused with averments that after observing the deposition by the learned counsel for the petitioner/accused and after getting instructions, it is observed of due to oversight some suggestions not put to PW.2, some omissions and some questions not put to with regard to relations after and before the alleged incident and similar is the version so far as PW.1 vide CrI.M.P.No.794 of 2019.

2. It is after hearing, the learned Public Prosecutor in opposing the same and from perusal of the deposition of PWs.1 and 2 by the respective impugned orders, dated 14.02.2019, the learned Sessions Judge, dismissed the applications saying the evidence disclosed of both PWs.1 and 2 were cross-examined at length and the Court did not find any grounds to recall them again. Same is the impugment

with the contention that the impugned order is unsustainable, contrary to law and liable to be set aside.

3. Heard before admission.

4. It is submission that so far as recall of PW.1 against the order in CrI.M.P.No.794 of 2019 another revision filed in CrI.R.C.No.196 of 2019. In fact, from perusal of the very application what are the questions to be put not even given, if at all to consider after given in a sealed cover in the Court and in the absence of which, there is nothing to interfere with the impugned order of the lower Court in both the petitions. Thereby, the revision can be disposed of and closing the other CrI.R.C.No.196 of 2019 so as to not press, by giving liberty to file fresh petition for recall of both witnesses by giving questionnaire what are the questions put to those witnesses and to consider only thereafter on own merits.

5. Having regard to the above, the criminal revision case is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

25th February 2019

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Dr. B. SIVA SANKARA RAO, J