

HONOURABLE JUSTICE G. SRI DEVI

Criminal Revision Case No.813 of 2019

ORDER:

This revision is directed against the order dated 15.07.2019 passed in CrI.M.P.No.512 of 2019 in S.C.No.108 of 2018 by the learned Principal Sessions Judge, Nalgonda.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor.

3. The petitioners/A1 to A4 were charged for the offences under Section 302 read with Section 109 IPC and under Section 27 of Arms Act in S.C.No.108 of 2018. During trial, the 1st respondent-State filed the impugned application under Section 311 Cr.P.C., to recall P.W.2 and P.W.9 in S.C.No.108 of 2018. By the order impugned, the trial Court allowed the said application.

4. A perusal of the order impugned would show that the trial Court observed that P.W.2 has not deposed in his examination that the victim had informed him before his death that he apprehends threat from the accused, as stated in his statement recorded under Section 161 Cr.P.C., and observed that turning hostile by P.W.9 is not a ground to state that the witness may not speak anything else and further observed that the Special Public Prosecutor, who was appointed after examination of P.W.2 and P.W.9, filed the present application, and allowed the impugned application. As the trial Court allowed the application on merit by giving reasons, the impugned order under revision does not suffer from any illegality warranting interference by this Court.

5. Hence, the Criminal Revision Case is dismissed.
6. Miscellaneous applications, if any pending in this revision, shall stand dismissed.

G. SRI DEVI, J

28th January, 2020.

sj

