

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE Nos.461, 462 AND 463 OF 2021

COMMON ORDER:

These Criminal Revision Cases, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, are filed by the petitioner/accused aggrieved by the common order, dated 22.07.2021, passed in CrI.M.P.Nos.310, 407 and 408 of 2021 in CrI.A.No.1049 of 2019 by the learned Special Judge for Trial of Offences under S.Cs. and S.Ts. (POA) Act – cum –VI Additional Metropolitan Sessions Judge, Secunderabad, wherein, the subject applications filed by the petitioner/accused seeking to recall DW.1 for further chief examination to mark additional documents filed by him, to send Ex.P1-Cheque to hand writing expert and to receive the additional documents filed by the petitioner/accused, were dismissed.

2. Heard the learned counsel for the petitioner/accused, learned Assistant Public Prosecutor appearing for the respondent No.1/State and perused the record.

3. Learned counsel for the petitioner/accused would submit that the documents sought to be filed have a bearing over the determination of the subject appeal. The additional evidence of DW.1 is also necessary for effective adjudication of the subject appeal. The Court below ought not have rejected the same. Further, the Court below had also rejected the request of the petitioner/accused to send Ex.P1-Cheque to the hand writing expert. The Court below is not justified in dismissing the subject

applications. The Court below failed to exercise the jurisdiction vested with it, which caused prejudice to the petitioner/accused and ultimately, prayed to set aside the impugned orders and allow the revision cases, as prayed for.

4. On the other hand, the learned Assistant Public Prosecutor would submit that there is no illegality or impropriety in the impugned orders. The Court below is justified in passing the impugned orders and ultimately, prayed to dismiss the revision cases.

5. As seen from the material placed on record, the subject applications were filed by the petitioner/accused seeking to recall DW.1 for further chief examination to mark additional documents filed by him, to send Ex.P1-Cheque to hand writing expert and to receive the additional documents filed by the petitioner/accused. The Court below, *vide* the impugned common order, dated 22.07.2021, dismissed the subject applications. The Court below, while dealing with the subject applications filed by the petitioner/accused, had elaborately discussed and answered the contentions raised by both sides and was pleased to dismiss the subject applications. The subject C.C. pertains to the year 2017 and the subject appeal is of the year 2019. The subject applications were filed in the year 2021 i.e., when the appeal has ripen for hearing. There is no explanation from the petitioner/accused to demonstrate that there was sufficient and justifiable cause that prevented him from filing the subject documents at the earliest point of time in the subject C.C.

Further, on a perusal of the subject documents and the submissions made, it appears that the subject documents are not relevant for determination of the dispute between the parties to the litigation. Cogent reasons have been recorded by the Court below while dismissing the subject applications. There is no illegality or impropriety in the impugned orders. Under these circumstances, there are no grounds to consider the request of the petitioner/accused, so as to set aside the impugned orders.

6. Accordingly, the Criminal Revision Cases are dismissed.

Miscellaneous Petitions, if any, pending in these Criminal Revision Cases shall stand closed.

Date: 20-09-2021
MD

Dr. SHAMEEM AKTHER, J