

CNR : MHAM010032912024	Presented on	:-	12.08.2024
	Registered on	:-	12.08.2024
	Decided on	:-	01.06.2026
	Duration	:-	01 Y. 09 M. 20 D.

IN THE COURT OF ADDITIONAL SESSIONS JUDGE - 3,
AMRAVATI

(Presided Over by P. P. Sharma)

Criminal Revision Application No. 82/2024

Exh.No.

Prashant Vasudevrao Deshmukh,

Age : 57 years, Occ. : Service,

R/o. Sangam Niwas, Navjivan Colony,

Amravati, Tq. Dist. Amravati.

...Applicant

-VERSUS-

State of Maharashtra,

Through P.S.O. Badnera,

Tq. Dist. Amravati.

...Non-applicant

CLAIM : Revision under Section 397 of the Criminal
Procedure Code.

Shri. P. N. Bhelande, learned Advocate for the Applicant.

Shri. D. M. Ambalkar, learned A.G.P for the Non-applicant.

J U D G M E N T

(Delivered on : 01/06/2026)

The legality, propriety, and correctness of the order
dated 12/06/2024, below Exh.80 in Regular Criminal Case

No.752/2021, passed by the 10th Judicial Magistrate First Class, Amravati, is assailed in this revision.

2) Briefly stated, the facts giving rise to the present revision are that Police Station, Badnera filed a charge-sheet against the applicant for the offences punishable under Sections 294, 504 and 509 of the Indian Penal Code. The case was initially registered as a summary case. The plea of the accused was recorded on 22.12.2012. Thereafter, the case was transferred to another Court on 09.01.2014, and the trial proceeded before the transferee Court. On 24.06.2021, the learned Trial Court directed that the case be registered and tried as a warrant case. Accordingly, it was registered R.C.C. No. 752/2021. Thereafter, the statement of the applicant/accused under Section 313 of the Code of Criminal Procedure was recorded. The applicant then filed application Exh.80 seeking reshuffling/recasting of his statement recorded under Section 313 Cr.P.C. on the ground that the case was initially tried summarily and, therefore, the evidence recorded during that stage could not have been put to him while recording his statement under Section 313 Cr.P.C.

3) The learned Trial Court called for the say of the prosecution. After hearing both sides, the learned Trial Court rejected application Exh.80 by the impugned order on the ground that though the case was initially registered as a summary trial, the evidence had been recorded in detail. The learned Trial Court further observed that there is no provision under the Code for

reshuffling a statement already recorded under Section 313 Cr.P.C.

4) Being aggrieved and dissatisfied with the impugned order applicant filed the revision. I have heard the learned Advocate for the applicant and learned A.P.P for the non-applicant.

5) In light of the grounds in the revision petition, submission across the bar, and material on record, the following points arise for consideration. I have recorded my findings against each of them for the reasons to follow;

SR. NO.	P O I N T S	F I N D I N G S
1)	Was the 10 th Judicial Magistrate First Class Court, Amravati justified while passing the impugned order ?	Yes.
2)	Whether any interference is warranted in the impugned order ?	No.
3)	What order ?	As per the final order.

REASONS

AS TO POINTS NO. 1 TO 3 :-

6) The contention of the applicant is that the case was initially registered as a summary trial and the evidence of the prosecution witnesses was recorded during that stage. Subsequently, the case was converted into a warrant case.

According to the applicant, the evidence recorded earlier could not have been put to the accused while recording his statement under Section 313 Cr.P.C., and therefore the said statement requires to be reshuffled or recast.

7) In the light of argument, I have perused the impugned order. In paragraph 8 thereof, the learned Trial Court has noted that the evidence of prosecution witnesses PW-1 to PW-4 was recorded in detail. The learned Trial Court has also referred to the specific pages of their depositions. Therefore, it is clear that the evidence of the said witnesses cannot be equated with a brief memorandum of evidence ordinarily maintained in a summary trial. The prosecution has also pointed out that the applicant had filed a *pursis* consenting to the reading of the evidence already recorded in the proceedings. Thus, the applicant had due notice of the evidence available on record.

8) The purpose of examination under Section 313 Cr.P.C. is to afford an opportunity to the accused to explain the incriminating circumstances appearing in the evidence against him. Once such evidence forms part of the record and is legally available before the Court, the incriminating circumstances arising therefrom can legitimately be put to the accused. Merely because the case was subsequently treated as a warrant case would not automatically render the earlier evidence inadmissible or illegal, especially when the accused had given consent for reading the evidence. Also, the applicant has failed to demonstrate any specific

prejudice caused to him by inclusion of such circumstances in his examination under Section 313 Cr.P.C.

9) Further, the Code of Criminal Procedure does not contemplate "reshuffling" or recasting of a statement already recorded under Section 313 Cr.P.C. in the manner sought by the applicant. The learned Trial Court has rightly observed that no such provision has been pointed out. In the absence of any demonstrated illegality or prejudice, interference in revisional jurisdiction is unwarranted.

10) The revisional powers of this Court are limited to examining the legality, correctness and propriety of the impugned order. The order passed below Exh.80 is based upon proper appreciation of the record and does not suffer from any jurisdictional error, illegality or material irregularity. Accordingly, Point No.1 is answered in the affirmative, Point No.2 in the negative and Point No.3 as per the final order.

ORDER

- 1) Criminal Revision No.82/2024 against the order dated 12/06/2024, below Exh. 80 in Regular Criminal Case No.752/2021, passed by the 10th Judicial Magistrate First Class, Amravati, is hereby rejected with cost.

- 2) An authenticated copy of this order and judgment be sent to the Trial Court for information.

Date : 01/06/2026
Place : Amravati.

(P. P. Sharma)
Additional Sessions Judge-3,
Amravati.

CERTIFICATE

I affirm that the contents of this PDF file Judgment are same word to word as per the original Judgment.

Name of the Stenographer : A. S. Rothe,
Court : P. P. Sharma,
District Judge-3, Amravati
Date : 01.06.2026
Judgment signed by the
presiding officer on : 01.06.2026
Judgment uploaded on : 01.06.2026