

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.3099 of 2015

ORDER :

The petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the docket order dated 24-11-2015 passed in Crl.M.P.No.3764 of 2015 in C.C.No.1108 of 2010 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad, whereby the learned trial Magistrate dismissed the petition filed by the petitioner to reopen the evidence to mark the F.I.R. in Crime No.589 of 2009 of S.R.Nagar Police Station through I.O., as not maintainable

The brief facts of the case are as follows :

The petitioner is facing trial for an offence under Section 420 I.P.C. In the said case, P.W.1 and Investigation Officer were examined and the matter is posted for Section 313 Cr.P.C. examination. After Section 313 Cr.P.C. examination, the petitioner wants to examine one, Mohan Reddy, who lodged a complaint against P.W.1 on the same subject matter. The said Mohan Reddy allowed to be examined in the Court, but he has not appeared and deposed in the Court. Thereafter, the petitioner herein wants to mark the complaint lodged by Mohan Reddy, which was registered in F.I.R. in Crime No.589 of 2009 of S.R.Nagar Police Station through Investigation Officer. The learned Magistrate dismissed the application on the ground that mere filing of the document will not take the effect of evidence.

This Court perused the records and heard the arguments.

As rightly pointed out by the learned Magistrate, mere marking of the document without there being any evidence adduced will not have any evidentiary value. Hence, this Court is of the view that the Criminal Revision Case can be disposed of with the following directions :

The petitioner is permitted to file the certified copy of the said F.I.R. registered on the basis of the complaint given by one Mohan Reddy along with Memo before the Court concerned under Section 313 Cr.P.C. and on such filing, the trial Court is directed to consider the same in accordance with law while disposing the application.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

11th December, 2015
skmr