

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

MONDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.813 of 2013

Between:

Vemparala Govindu

..... PETITIONER

AND

The State of A.P.rep.by its
Public Prosecutor and another

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.813 of 2013

ORDER:

This Criminal Revision Case is directed against the order dated 15.03.2013 in

Crl.M.P.No.170/2013 in M.C.No.18/2008 on the file of the learned Additional Judicial Magistrate of First Class, Addanki, Prakasam District, by and under which, the petition filed by the petitioner under Section 311 Cr.P.C was partly allowed.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The petitioner/husband wanted to file attested copies of lawyer's notice dated 06.10.2004 along with amended attested copy dated 16.10.2004 said to have been issued by the petitioner/husband, and also the reply thereto dated 29.10.2004 got issued by the respondent/wife. By the impugned order, the learned Magistrate allowed to mark the lawyer's notice said to have been issued by the petitioner/husband, but refused to mark the reply notice got issued by the respondent/wife.

The trial commenced and the respondent/wife was examined as PW 1. During course of her evidence, PW 1 admitted that her husband got issued legal notice and her father got issued reply thereto, but she denied the suggestion that the reply notice was issued on her instructions. The finding of the Court below that as the respondent/wife stated that she never issued any reply to the notice of the petitioner/husband, it is not inclined to take on record the reply notice, is erroneous, as respondent/wife, being PW 1, clearly admitted that her father got issued reply. The documents sought to be marked by the petitioner/husband are very much relevant for proper adjudication of the matter. The impugned order suffers from material irregularity and is liable to be set aside.

Accordingly, the Criminal Revision Case is allowed. The impugned order dated 15.03.2013 is set aside and Crl.MP.No.170/2013 in MC No.18/2008 is allowed, as prayed for.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 15.06.2015

Dsr

Note:

Furnish copy tomorrow

B/o

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