

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2300 of 2015

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ORDER

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The present Criminal Revision Case is directed against the order dated 28.08.2015 passed in Crl.M.P.No.2009 of 2015 in C.C.No.131 of 2013 on the file of the Special Judicial I Class Magistrate for Prohibition and Excise, Guntur.

2. Heard and perused the material on record.

3. The respondent/complainant filed the impugned application under Section 242(3) Cr.P.C. seeking to receive the documents and mark them on behalf of the prosecution through the evidence of P.W.1. By the order impugned, the said application was allowed by receiving the documents subject to proof and relevancy. Aggrieved by the same, the petitioners/accused filed the present revision.

4. As seen from the order impugned, the trial Court observed that since document No.1 is E-mail conversation in 9 pages, document No.2 is a receipt of Viceroy Hotel, document No.3 is E-ticket pertaining to Kesineni travels, documents 4 and 5 are copies of railway E-tickets, document No.6 is the study and conduct certificates and document No. 7 is the true notarized copy of sale deed dated 28.08.2008, the accused would be having an opportunity to question the proof and relevancy of the said documents and also with regard to the evidentiary value of notarized copy of the documents. As regards to E-tickets, the trial Court observed that there is only a procedure to take printout from the web site. As regards the other documents, the trial Court observed as under;

“Regarding the receipt of the other documents, no doubt, the listed documents were not seized by the Investigating Officer. However, they were within the custody of P.W.1 and filed through the prosecution, it is always proper to consider the entire evidence let in by the prosecution for better

appreciation of the facts. The accused would be given copies of all the said documents and no prejudice will be caused to the accused and they can very well examine the documents and elicit their contentions from the cross-examination of P.W.1. Hence, this Court is of an opinion that it is appropriate to receive the documents filed by the prosecution and the accused would be given an opportunity to put forth their contentions by way of cross-examination of P.W1. Accordingly, the point is answered”.

The trial Court after considering all the documents observed that the accused have an opportunity to examine all the documents and also to question the proof and relevancy of those documents and allowed the impugned application receiving the documents subject to proof and relevancy. Having regard to the facts and circumstances of the case, the petitioners are always at liberty to challenge the validity and admissibility of the documents in question. Therefore, this Court is of the view that the order impugned is in accordance with law and there is no need to interfere with by this Court.

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

JUSTICE RAJA ELANGO

12th October, 2015

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