

HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

CRIMINAL PETITION No.2947 OF 2015

ORDER:

This application is filed under Section 482 Cr.P.C., to set aside the order, dated 22.01.2015, in Crl.M.P. No.989 of 2014 in SSC No.55 of 2012 on the file of the Court of Special Sessions Judge for trial of Cases under SC/ST (POA) Act – cum – VII Additional District and Sessions Judge, Warangal. Petitioners herein are the accused in the said case.

The prosecution and the petitioners both adduced evidence and the evidence of the petitioners was closed.

Thereafter, Crl.M.P. No.989 of 2014 was filed by the petitioners to call for the records in O.S. No.158 of 2012 from the I-Additional Senior Civil Judge Court, Warangal. They contended that the 3rd petitioner had filed I.A. No.133 of 2012 in O.S. No.158 of 2012 and obtained injunction order against the *de facto* complainant from the Court of the I-Additional Senior Civil Judge, Warangal, and after receipt of summons from the said Court, the present complaint was lodged by the *de facto* complainant. They further contended that the petitioners intended to mark the suit documents and injunction order in support of their defence and that since the documents were unmarked, they were unable to obtain their certified copies.

This application was rejected by the Court below by the impugned order pointing out that it was open to the petitioners to obtain certified copies of the documents in the said suit, that the petition is belated and it would be abuse of process of law to allow this application.

Heard the learned counsel for the petitioners and the learned Public Prosecutor.

Learned counsel for the petitioners would submit that the documents in the said suit are very much relevant to their defence, that the complaint filed by the *de facto* complaint is a counter blast to the suit and obtaining of the injunction order by the accused – petitioners and if this evidence is shut out, then it would cause grave prejudice to the petitioners. He, no doubt, admitted that the petitioners could have obtained certified copies and filed them before the Sessions Judge.

Learned Public Prosecutor contended that the order passed by the Court below is correct and did not warrant any interference.

Having regard to the above submissions, since the documents, whose record is sought to be summoned by the petitioners from the Court of the I-Additional Senior Civil Judge, Warangal, according to the petitioners are necessary to establish their defence, I feel that interest of justice would be met if the petitioners are allowed to obtain certified copies thereof, and file before the Court below. If some of these documents are not marked in that suit and such documents have been filed by petitioners, the petitioners may take return of them from the said Court and mark it in their evidence subject to relevancy and proof. To this end the proceedings in the Special Sessions Case No.55 of 2012 shall stand stayed for a period of 6 weeks from today. The petitioners shall obtain certified copies of whatever documents they need from the record of O.S. No.158 of 2012 from the I-Additional Senior Civil Judge, Warangal during this 6 weeks period. If the petitioners produce those documents before the Court below within this 6 weeks period, the Court below shall allow the petitioners to mark them by reopening the evidence on the petitioners' side, and then consider them in accordance with law. In case, the petitioners did not file those documents within the time stipulated, this Criminal Petition shall stand dismissed.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S. RAMACHANDRA RAO, J

April 20, 2015.

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Note: Issue C.C. today.

(B/o.)

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