

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 2398 of 2014

JUDGMENT:-

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order dated 12.11.2014 passed by the learned Assistant Sessions Judge at Sircilla in CrI.M.P.No.79 of 2014 in S.C.No.278 of 2014 wherein and whereunder the memo filed by the prosecution seeking marking of some medical reports through P.Ws.1 and 2 was allowed.

The facts in issue are as under:

P.W.1 is the cousin of the accused. P.W.2 is the grand-mother and P.Ws.3 and 4 are the parents of P.W.1. The brother-in-law of P.W.1 by name Mukkera Ailaiah borrowed some amount from the accused. Thereafter, without repaying the said amount, he died. Since then, the accused used to force P.W.1 and his family members to pay the amount borrowed by his brother-in-law and also used to quarrel with them. As there was no response from P.W.1, the accused went to the house of P.W.1, demanded him to pay the amount, and attacked him on his head with a stick with an intention to kill him. Due to which, P.W.1 sustained an injury on his head. When P.Ws.2 to 4 tried to rescue P.W.1, the accused also beat them. Basing on these allegations, a case in Crime No.14 of 2014 of Sircilla Police Station, Karimnagar District, came to be registered for an offence punishable under Section 307 IPC. After completing the investigation, the police laid a charge sheet which after committal is numbered as S.C.No.278 of 2014 on the file of the Assistant Sessions Judge at Sircilla.

During the course of trial, the prosecution examined P.Ws.1 to 5. Thereafter, the prosecution filed a memo seeking marking of some

medical reports through P.Ws.1 and 2. The said memo was allowed by an order dated 12.11.2014. Aggrieved by the same, the present revision is filed.

The learned counsel for the petitioner mainly submits that P.Ws.1 and 2 did not refer to any treatment being taken by them either in their 161 Cr.P.C. statements or in the complaint or did not state to the police about the same, and as such, the documents cannot be allowed to be marked.

On the other hand, the learned Additional Public Prosecutor submits that the entire trial is complete and as the matter is posted for arguments, this Court shall not interfere with the order.

As seen from the impugned order, while allowing the memo, the learned Assistant Sessions Judge observed as under:

“Objections are filed by the respondent. Heard. Though P.W.1 as L.W.1 did not state to police about the medical certificates/record, she deposed before the Court and it is ultimately for the prosecution to establish its case beyond all reasonable doubt.”

If really the documents sought to be marked are false and fictitious, the learned counsel for the petitioner can take the said plea during the course of arguments. In view of the above observation and as the entire trial is over and the case is posted for arguments, I see no grounds to interfere with the impugned order and the revision is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed leaving it open to the petitioner to take the plea of genuinity of the medical reports sought to be marked, during the course of arguments.

Consequently, miscellaneous petitions, if any, pending in the criminal revision case shall also stand dismissed.

22nd January, 2015
cbs

C. PRAVEEN KUMAR, J

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