

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

Case No. CrI.R.C. No.592 of 2015

Between:

Kothuru Gandhi S/o. Venkateswarlu

... Petitioner/Appellant (s)

and

The State of Telangana,
Through SHO, Mahabubabad Town Police Station,
Warangal District rep. by Public Prosecutor,
High Court, Hyderabad.

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 27.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

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|---|---|--------|
| 1 | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.592 OF 2015

ORDER:

This Criminal Revision Case is filed against judgment, dated 10.03.2015, passed in CrI.R.P. No.28 of 2013 by the VI Additional Sessions Judge (III FTC), Warangal at Mahabubbad.

Heard and perused the material available on record.

The brief facts of the case are that on the basis of a private complaint filed by the 2nd respondent – de facto complainant stating that he was cheated by the petitioner in the chit transaction, though he paid the entire amount and CC No.48 of 2010 was registered against the petitioner for the offences punishable under Sections 406, 420, 422 and 426 IPC and also Section 4 of the A.P. Chit Fund Act. The trial Court acquitted the accused vide judgment, dated 29.02.2011. The 2nd respondent preferred an appeal in Crl.A. No.51 of 2012 before the VI Additional District and Sessions Judge, Warangal, and the learned District & Sessions Judge vide judgment, dated 18.01.2013, set aside the judgment of the trial Court in CC No.48 of 2010 and remanded the CC to the trial Court for fresh disposal with a direction to take necessary steps for securing the presence of the Investigating Officer and to record his evidence.

Meanwhile, the prosecution has filed an application in Crl.MP No.832 of 2013 in the said CC to receive and mark the chit note book. The trial Court after hearing both sides, dismissed the said application on the ground that the said chit note book cannot be received as it was not seized by the Investigating Officer and no investigation was done in respect of the said document and marking of the same, may not help the 2nd respondent. Challenging the said order, the 2nd respondent preferred a revision petition before the VI Additional Sessions Judge, Warangal. The learned Sessions Judge, allowed the said revision by setting aside the order passed by the trial Court in Crl.M.P. No.832 of 2013 and directed to receive the chit note book and mark the same through PW.1 by giving an opportunity to the prosecution to recall PW.1, if it chooses and also by giving an opportunity to the accused to cross-examine PW.1 on the said document. Aggrieved over the same, the petitioner – accused preferred the present revision case.

When the matter is taken up for hearing, it is informed by the learned Public Prosecutor that the document in question was already marked on 15.04.2015 as Ex.P-3 through PW.1 and there is nothing to adjudicate in this revision. Learned counsel for the petitioner also acknowledged the same. Hence, this Court is of the view that once the document in question was already marked, there is nothing on record to pass any fresh orders by this Court.

It is pertinent to note that when a document was placed before the Court for better adjudication of the matter and when the same was marked, it does not give any evidentiary value. The relevancy and admissibility of such document can be considered by the Court while adjudicating the matter on merits. Since the document has already been marked in the present case, it is left open to the petitioner – accused to cross-examine the witness, through whom the said document was marked. The trial Court is also directed to permit the petitioner herein to examine the person who produced Ex.P-3 and also the persons who gave evidence basing on Ex.P.3.

Accordingly, the Criminal Revision Case is disposed of.
Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

July 27, 2015.
KTL