

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1209 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order dated 08.05.2015 passed in CrI.M.P.No.1627 of 2015 in C.C.No.327 of 2004 on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad, whereby the learned Judge allowed the application filed by the prosecution to receive certain documents and to grant permission to mark those documents through P.W.2.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that P.W.2 is not the competent witness and he is not the author of the documents proposed to be marked by the prosecution and as such, the Court below has erred in allowing the application of the prosecution to receive and mark those documents through P.W.2.

Though the Court below allowed the application directing the prosecution to produce the documents, but also observed that the said documents are subject to the objections raised by the petitioner at the time of marking and also the admissibility of the documents concerned. Hence, this Court is of the view that the order of the Court below is not erroneous in law and as such, is not inclined to interfere with the said order. However, taking into consideration the apprehension and grievance of the petitioner herein, the criminal revision case is disposed of with a direction to the Court below while marking the documents, the Court below has to consider the objections raised by the petitioner regarding marking and admissibility of the documents, and proceed in accordance with law.

With the above observations, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in

this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

24.08.2015
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