

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE NO.821 OF 2014

ORDER:

1. This revision case is filed by the petitioner-accused aggrieved by order dated 14.3.2014 passed in CrI.M.P.No.251 of 2014 in C.C.No.199 of 2008 by the II Additional Chief Metropolitan Magistrate, Hyderabad.

2. Respondents 1 and 2 herein, who are complainants, filed a case against the petitioner under Section 500 IPC for causing defamation by sending a complaint to the Income Tax Department and also by sending the copies of the same to the President of India, Prime Minister and also to the esteemed customers. During the course of trial, respondents 1 and 2 filed the above CrI.M.P. before the learned Magistrate under Section 311 Cr.P.C. seeking to summon the Income Tax Officer to produce the documents listed in the above CrI.M.P. The trial Court allowed the said application. Aggrieved by the same, the petitioner-accused filed this revision.

3. It is the case of the petitioner that he had already obtained a letter from the Income Tax Department to the effect that no copy of his complaint was supplied to the respondents herein, whereas the respondents filed an application before this Court relying upon the Xerox copy of the complaint alleged to have been sent to the Commissioner of Income Tax by the petitioner herein.

4. Heard and perused the material available on record.

5. It is the case of the complainants that petitioner defamed them by way of forwarding a complaint to the Income Tax Department and in order to prove their case, it is necessary to summon the Income Tax Officer to produce the documents listed in their application.

6. The learned Magistrate after considering various aspects observed that the Xerox

copies of the documents produced by the complainants cannot be marked and therefore, the original documents can be called for in order to decide the case, on the basis of the petition filed by the respondents. This Court does not find any irregularity or illegality in the order under challenge. However, the petitioner is at liberty to raise his objections, if any, as to admissibility and relevancy of the documents, at the time of marking those documents, and on such objections being raised, the trial Court can decide the issue in accordance with law.

7. With the above observation, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated: 10.6.2015

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