

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 1267 of 2015

Order:

This Criminal Revision Case is directed against the orders, dated 24.06.2015, passed on the memo filed by the prosecution in SC No.186 of 2013 on the file of the learned Assistant Sessions Judge, Rayachoty, whereby and whereunder the learned Sessions Judge has ordered to receive the wound certificate of PW.1 on record.

2. Learned counsel for the petitioner/accused submitted that the learned Sessions Judge, without following the procedure as contemplated under law, has ordered to receive the medical certificate of PW.1 on record and, therefore, the impugned order is liable to be set aside.

3. The allegation against the petitioner/accused is that he has committed the offences punishable under Sections 326 and 307 IPC. As per the charge sheet, initially, the injured has taken treatment at Government Hospital, Rayachoty, and, subsequently, at SVIMS, Tirupati. However, when PW.1 was in the witness box, it has come to light that she has also treated at CMC, Vellore, and the doctor who treated her in CMC, Vellore, has also issued wound certificate, therefore, the prosecution has filed the memo seeking to receive the copy of the said wound certificate on record and mark the same as an exhibit. The learned Sessions Judge, on hearing both sides, ordered to receive the said document on record, but the same has not been marked as an exhibit.

4. Taking the document on file do not amount to marking it without following the procedure as contemplated under law. The procedure for marking the document is well established. Merely because the

medical certificate of PW.1 is made as part of the record, there cannot be any objection from the petitioner/accused on the ground that a non-admissible document is admitted in evidence. The revision case is devoid of merits and the same is liable to be dismissed. It is needless to say that it is for the trial Court to follow the procedure as contemplated under law before marking the document as an exhibit.

5. With the above observation, the Criminal Revision Case is dismissed.

6. As a sequel thereto, the miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 09.07.2015

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