

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
CRL.R.C.Nos.120, 122, 123 AND 124 of 2015

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COMMON ORDER :

These Criminal Revision Cases are preferred by the petitioners/accused, challenging the common order dated 28.07.2014 passed in Crl.M.P.Nos.245, 246, 247 and 251 of 2014 in Criminal Appeal No.130 of 2013 on the file of Metropolitan Sessions Judge, Cyberabad, Ranga Reddy District at L.B.Nagar, wherein and where under the learned Judge allowed all the petitions filed for reopening the case, marking of documents and recall of P.W.1.

Heard the learned counsel for the petitioners and the learned counsel for respondent No.1.

The facts in issue are as under:

The petitioners herein were tried in C.C.No.240 of 2009 on the file of III Metropolitan Sessions Judge, L.B.Nagar, for the offence punishable under Section 498-A I.P.C. By its judgment dated 27.11.2012, the learned Magistrate acquitted the accused for the offence punishable under Section 498-A I.P.C. Aggrieved by the same, the informant preferred Criminal Appeal No.130 of 2013. Pending appeal, the informant filed Crl.M.P.No.245 of 2014 seeking permission to receive the documents viz., MLC No.32802 dated 15.11.2004 and case sheet No.40940 of Osmania General Hospital, Hyderabad, as additional evidence and mark them as exhibits; Crl.M.P.No.246 of 2014 was filed seeking to reopen Criminal Appeal No.130 of 2013; Crl.M.P.No.247 of 2014 was for recalling P.W.1 to mark the documents; while Crl.M.P.No.251 of 2014 was to summon the

Superintendent, Osmania General Hospital, Hyderabad, along with the original records of MLC No.32802 dated 15.11.2004 and case sheet No.40940 of Osmania General Hospital, Hyderabad. By his order dated 28.07.2014, the learned Metropolitan Sessions Judge allowed all the M.Ps. Challenging the same, the petitioners preferred the present revisions.

A perusal of the record would show that all the four M.Ps filed by respondent No.1 herein were for reopening Criminal Appeal No.130 of 2013 and marking documents, through Superintendent of Osmania General Hospital, Hyderabad.

Learned counsel for the petitioners fairly submits that he has no objection for marking the said documents in the presence of Superintendent of Osmania General Hospital, Hyderabad. He further submits that as the documents are obtained under Right of Information Act, the same may be marked after verifying the originals.

Learned counsel for respondent No.1 submits that he has no objection for the same but however states that the statement of Superintendent of Osmania General Hospital, Hyderabad, may be record by the appellate Court, if necessary.

Having regard to the concessions made by both the learned counsel, all the four revisions are disposed of by directing the learned Metropolitan Sessions Judge, L.B.Nagar, to call for the original records from the Osmania General Hospital, Hyderabad and also Superintendent of Osmania General Hospital, Hyderabad, for marking the said documents. If necessity arises, an opportunity may be given to either counsel to cross examine the Superintendent. In case the Metropolitan

Sessions Judge feels it difficult to record the evidence, he may direct the concerned Magistrate to record the statement of Superintendent of Osmania General Hospital, Hyderabad and mark documents as ordered after giving an opportunity to both sides to cross examine him.

Miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

16.02.2015

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