

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.958 of 2016

ORDER:

Heard.

Aggrieved by the order dated 15.12.2015 passed in CrI.M.P.No.2276 of 2014 in C.C.No.942 of 2014 on the file of the Judicial Magistrate of First Class, Special Mobile Court-cum-XI Metropolitan Magistrate, Cyberabad at L.B.Nagar, wherein and whereunder an application filed under Section 242 (2) of Cr.P.C. to receive the documents was allowed, the present Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C.

The case of the prosecution is as under:

Accused Nos.1 and 2 are close relatives. Accused No.1 owns a Flat No.308, third floor along with garage in Rama Ranga Towers, Shilpi Apartments with un-divided share of land admeasuring 31 square yards in Sy.No.38, situated at Lalitha Nagar, Gaddiannaram Village. He offered to sell the said property for a consideration of Rs.26,00,000/-. LW.1 accepted the said offer and agreed to purchase the same. Accordingly, accused No.1 is alleged to have entered into an agreement of sale on 07.02.2013 and the informant/LW.1 is said to have paid Rs.22,40,000/- towards part of sale consideration and the balance amount to be paid within 15 days from that day. Accused No.1 handed over all the relevant link documents to the informant. Thereafter, the informant approached accused No.1 to receive the balance sale consideration and execute the registered sale deed, but accused No.1 colluded with accused No.2 and executed a sale deed in

favour of accused No.2 vide document Nos. 1990 of 2014 and 1931 of 2014. Basing on these allegations a charge sheet came to be filed against accused Nos.1 and 2, which was taken on file as C.C.No.942 of 2014.

During the course of trial, the prosecution filed Crl.M.P.No.2276 of 2014 to receive certain documents which were not filed along with the charge sheet as the said documents were handed over to the prosecution recently. The trial Court allowed the said petition. Challenging the same, accused No.1 preferred the present revision.

A perusal of the record would show that the case is based on an agreement of sale pertaining to the property referred to above. The documents which are sought to be brought on record are certified copies of documents and some of them are only Xerox copies of the documents. Hence, the trial Court allowed the petition permitting the prosecution to exhibit only certified copies of the documents. Though the accused raised an objection with regard to truthfulness, genuinity and relevancy of the documents, but the same has to be considered during the course of trial. It is to be noted that the accused are always at liberty to cross examine the witnesses through whom those documents are marked and no prejudice would be caused if the same are brought on record.

In **NATASHA SINGH VS. CBI**^[1] the Apex Court held as under:-

"Fair trial is the main object of criminal procedure, and it is the duty of the court to ensure that such fairness is not hampered or threatened in any manner. Fair trial entails the interests of the accused,

the victim and of the society, and therefore, fair trial includes the grant of fair and proper opportunities to the person concerned, and the same must be ensured as this is a constitutional, as well as a human right. Thus, under no circumstances can a persons right to fair trial be jeopardized. Adducing evidence in support of the defence is a valuable right. Denial of such right would amount to the denial of a fair trial. Thus, it is essential that the rules of procedure that have been designed to ensure justice are scrupulously followed.”

Having regard to the facts and circumstances of the case and in view of the judgment referred to above, I see no illegality in the order passed.

Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending, shall stands closed.

C.PRAVEEN KUMAR,J

06.04.2016
gkv

[\[1\]](#) (2013) 5 SCC 741