

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

CRIMINAL PETITION No.8469 of 2016

ORDER

This petition under Section 482 Cr.P.C. is filed by the petitioner/A4, seeking to quash the order dated 21.04.2016 in Crl.M.P.No.463 of 2015 in S.C.No.330 of 2012 on the file of learned Special Sessions Judge-cum-IV Additional District Judge, Guntur.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

3. The above said Crl.M.P. is filed by the petitioner/A4 to furnish C.D. of C.C. Cameral Footage to him before commencement of trial and the learned Sessions Judge vide his order dated 21.04.2016 dismissed the same. Questioning the same, the petitioner/A4 preferred this Criminal Petition.

4. The contention of the learned counsel for the petitioner is that during the course of investigation, certain material is recorded in a camera and the same is converted into a C.D. and filed into Court. Now, the Sessions Case is at the stage of trial of the prosecution witnesses and the learned Public Prosecutor wants to mark the C.D. as an exhibit. However, the copy thereof has not been furnished to the petitioner/A4. In the criminal proceedings, any document that is sought to be relied upon by the prosecution has to be supplied to the accused. But, the prosecution has not supplied the said C.D. to proceed with the trial.

5. Learned Public Prosecutor submits that since it is a C.D. the Court is intending to display it in the Court and thereafter mark as an exhibit and furnish the copy of the same to the accused and for that purpose the cross examination of P.W.1, through whom the said C.D. is proposed to be marked will be deferred.

6. Recording the said submissions, this Criminal Petition is disposed of as under:

The learned Sessions Judge should furnish a copy of the C.D. to the petitioner/A4 before cross examination of PW.1, through whom the C.D. is proposed to be marked as an exhibit and for that purpose the learned Sessions Judge should defer the cross examination of PW.1 so as to afford opportunity to the accused.

7. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

Date:21.06.2016

Note:

Issue C.C. today.

B/o.

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