

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE Nos.156 & 157 OF 2016

COMMON ORDER:

1. Since the parties involved in both the Criminal Revision Cases are one and the same and since both the revisions arise out of one and the same case i.e., C.C.No.271 of 2013 on the file of the Chief Metropolitan Magistrate, Vijayawada, both the revisions are heard together and being disposed of by this common order.
2. Crl.R.C.No.156 of 2016 is filed by the petitioner-accused against the order dated 17.12.2015 passed in Crl.M.P.No.1699 of 2015 and Crl.R.C.No.157 of 2016 is filed against the order dated 17.12.2015 passed in Crl.M.P.No.1698 of 2015 in the above C.C.
3. The petitioner is facing trial in the above C.C. for the offence punishable under Sections 138 and 142 of the Negotiable Instruments Act. While the matter has been coming up for arguments, the petitioner filed the above Crl.M.P No.1698 of 2015 seeking to reopen the case to recall P.W.1 for further cross-examination with regard to the documents sought to be produced from the 1st respondent-complainant, and he filed Crl.M.P.No.1699 of 2015 under Section 91 Cr.P.C., seeking to direct the 1st respondent-complainant to produce his original Bank Savings account pass book and Shriram Chit Funds pass book. The trial Court dismissed both the applications. Hence, the petitioner filed the above revisions.
4. Heard and perused the material available on record.
5. In the orders under revision, it is observed by the learned Magistrate that the first and foremost requirement of Section 91 Cr.P.C., which is to be examined, is the necessity and desirability of

summoning of the documents, and that such necessity or desirability of documents is to be seen with reference to the facts and circumstances involved in the case and the stage of the matter when such prayer is made. It is observed that the present petition is filed when the matter has been coming up for arguments and that in the present petition, no proper or valid reasons are assigned for seeking such a direction to the complainant to produce the original documents.

6. From the material on record and the orders under revision, it is evident that the petitioner has not assigned any reasons for seeking production of documents in question. The approach of the petitioner with the impugned applications at the stage of arguments is nothing but to drag on the proceedings. Therefore, this Court is of the view that the observations made by the learned Magistrate while dismissing the impugned applications are in accordance with law, and therefore, the orders under revision do not warrant any interference by this Court.

7. Accordingly, the Criminal Revision Cases are dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Date : 21.1.2016

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DATED 21.1.2016

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