

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.2648 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the docket order dated 07.09.2016 passed in C.C.No.7 of 2016 on the file of the Court of the Principal Judicial First Class Magistrate at Mancherial.

2. Heard the learned counsel for the petitioner and perused the material available on record.

3. A perusal of the record reveals that the petitioner is facing the trial in C.C.No.7 of 2016 on the file of the Court of the Principal Judicial First Class Magistrate at Mancherial for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Exs.P.1 to P.7 were marked in the chief examination of PW.1.

4. The grievance of the petitioner is that in spite of the oral protest, the trial court marked Exs.P.6 and P.7. There is no material on record to establish that the petitioner opposed marking of Exs.P.6 and P.7 before the trial Court. Mere marking of the documents would not amount to accepting the recitals of the documents. It is needless to say that the Court has to consider the admissibility, relevancy and probative value of the documents before placing reliance. If there is any irregularity, illegality or impropriety in the orders passed by the trial Court, this Court can set aside the same while exercising the jurisdiction under Sections 397 and 401 Cr.P.C. The trial Court has not committed any

irregularity or illegality while marking Exs.P.6 and P.7. Whether Exs.P.6 and P.7 are relevant documents or not has to be considered by the trial Court at the time of judgment.

5. Having regard to the facts and circumstances of the case, it is not a fit case to allow the revision. However, the petitioner is at liberty to urge the points raised in this revision before the trial Court at the time of arguments.

6. With the above observation, the Criminal Revision Case is dismissed at the admission stage.

7. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.SUNIL CHOWDARY, J

Date: 24.10.2016
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