

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2454 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order dated 21-01-2016 in CrI.M.P.No. of 2016 in C.C.No.753 of 2013 passed by the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad, allowing the petition filed under Section 242 (3) Cr.P.C. for receiving photos and blood stained cloths.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material on record.

It appears that during the course of trial, the prosecution filed a petition under Section 242 (3) Cr.P.C. seeking to receive material objects i.e. photos and blood stained clothes to establish the case of the prosecution beyond all reasonable doubt, but the same was objected by the accused, on the ground that it is was not mentioned in the charge sheet about those material objects and that the same were belatedly produced that too after completion of investigation and hence, the said material objects cannot be received. The learned Magistrate, having convinced with the reasons assigned by the prosecution, allowed the petition, holding that if the said property is received, no prejudice would be caused to the accused and accused will have ample opportunity to cross-examine the witness on the said property.

Having perused the material on record and the order of the learned Magistrate, this Court is fully convinced with the findings given by the learned Magistrate and the learned Magistrate was justified in receiving the said property in the interest of justice to arrive at a just decision of the case. The conclusions arrived at by

the learned Magistrate are but just and reasonable and the same do not suffer from any infirmity or irregularity warranting jurisdiction of this Court under Section 482 Cr.P.C. to set aside the impugned order, and hence, the criminal is liable to be dismissed.

Accordingly, the Criminal Petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

—

RAJA ELANGO, J

Date: 26-02-2016

—
Ksn