

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.175 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the order dated 7.4.2015 passed in CrI.M.P.No.95 of 2015 in C.C.No.14 of 2013 by the XV Additional Judge-cum-XIX Additional Chief Metropolitan Magistrate, Hyderabad.

2. The petitioner is facing trial for the offence punishable under Section 138 of the Negotiable Instruments Act. While the matter was coming for the further defence of the petitioner, the 1st respondent-complainant filed the above CrI.M.P. to receive the original documents viz., reply notice dated 14.8.2012 and registered postal cover. The trial Court allowed the said application. Aggrieved by the same, the petitioner-accused filed this revision.

3. Heard and perused the material available on record.

4. After arguing for some time, the learned Counsel for the petitioner submitted that the document, which is intended to be marked, is a reply notice issued by one C. Hari Preeth, Advocate, but according to the petitioner, the said reply notice was not given by the petitioner to the 1st respondent-complainant. He further submitted that as there were admissions in the alleged reply notice, the 1st respondent-complainant wants to take advantage of the same in the present case.

5. In the order under revision, the trial Court made it clear that the documents in question will be marked subject to proof and relevancy. Mere receipt of documents does not amount to admissibility of the same. Apart from that, mere admission made in the reply notice

alleged to have been given on behalf of the petitioner by an advocate cannot be treated as admission. After considering the admissibility, relevancy and proof of such documents at the appropriate time, the trial Court will decide the case. Considering the observations made by the trial Court, this Court is of the view that the order under revision does not warrant any interference.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 21st January, 2016
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