

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.4372 OF 2016

ORDER:

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This criminal petition is filed by the petitioner-de facto complainant under Section 482 Cr.P.C., seeking to quash the order, dated 30.11.2015, in CrI.M.P. No.1918 of 2015 in CC No.288 of 2002 passed by the II Additional Chief Metropolitan Magistrate, Hyderabad.

Heard and perused the material available on record.

The petitioner filed a private complaint against the 1st respondent and four accused for the offences punishable under Sections 120(B), 148, 448, 420, 323, 427, 504 and 506 IPC. The said complaint was investigated into by the police and charge sheet was filed and the same was numbered as CC No.288 of 2002 before the II Additional Chief Metropolitan Magistrate, Hyderabad. The prosecution examined seven witnesses and the matter was posted for examination under Section 313 Cr.P.C. Thereafter, the prosecution filed a petition to receive additional documents and the said application was dismissed and the petitioner challenged the same before this Court and the same was allowed. Again, the prosecution filed the impugned petition to receive the some other documents. The 1st respondent-A1 filed counter affidavit opposing the said application. The said application was dismissed by the Court below vide order impugned. Challenging the same, the present criminal petition is filed.

Learned counsel for the petitioner submitted that the petitioner filed the impugned application seeking to mark the documents, which are relevant for proper adjudication of the case, but the Court below without considering the same, dismissed the same.

This Court perused the order passed by the Court below. The Court below, after hearing the arguments of the learned counsel for the petitioner and also considering the counter filed by the 1st respondent,

dismissed the application by observing as follows:

“Even according to the petitioner the documents sought to be filed are subsequent to the present case and have been dealt during the pendency of the stay order in the present case. The respondent/accused also contended that as the alleged documents are subsequent to the present case. Therefore, they have no relevancy to the present case. Hence, considering the circumstances and facts of the case, I find that the documents, which are sought to be received by this Court are subsequent to the present case and they can not be looked into and more over the Xerox copies of the documents can not be received and I am of the opinion that the petitioner/complainant has not made out any case to receive the enlisted above documents. Accordingly, this point is answered.”

The reasons given by the Court below in dismissing the application of the petitioner are in accordance with law and this Court is not inclined to interfere with the same.

Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 30, 2016.
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