

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34081 of 2013

Arising Out of PS.Case No. -88 Year- 1998 Thana -SANGRAMPUR District- MUNGER

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1. Bishnu Kumar Singh S/O Late Ugra Mohan Singh Resident Of Village-
Navgain, P.S.- Sangrampur, District- Munger

.... Petitioner/s

Versus

1. The State Of Bihar
2. Srikant Yadav S/O Hira Lal Yadav Resident Of Village- Janakpur, P.S.-
Sangrampur, District- Munger
3. Hira Lal Yadav S/O Late Sauti Yadav Resident Of Village- Janakpur,
P.S.- Sangrampur, District- Munger
4. Nandani Yadav S/O Late Sauti Yadav Resident Of Village- Janakpur,
P.S.- Sangrampur, District- Munger
5. Vinod Yadav S/O Chhedi Yadav Resident Of Village- Janakpur, P.S.-
Sangrampur, District- Munger

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-01-2017 The petitioner has challenged order dated 02.04.2013

passed by the learned Sessions Judge, Munger in Criminal

Revision No.167 of 2011 against order dated 2.6.2011 passed by

Sri S. Ram, Judicial Magistrate Ist class, Munger in G.R. Case

No.1844 of 1998, by which the learned court below exhibited

some documents.

The case of the prosecution in short is that on the basis of

written report of the petitioner on 14.11.1998, Sangrampur

P.S.Case No.88 of 1998 was instituted for offence under Section



379/144 of the I.P.C. against O.P.Nos. 2 to 5 and the case is at present pending for trial. It further appears that during trial a petition was filed on behalf of the opposite party nos.2 to 5 (accused persons) on 14.1.2009 for marking the certified copy of Khatiyan, order passed by the S.D.O. in a proceeding under Section 144 of Code of Criminal Procedure and information supplied by the Public Information Officer as they are public documents and a rejoinder was filed by the State on 8.3.2009 but the petitioner has made objection in marking the documents filed on behalf of the informant on the ground that it is not a public document and also on the ground that there is no date in the order passed by the S.D.O. in a proceeding under Section 144 of the Code of Criminal Procedure and another document relates to information supplied by the Public Information Officer, which is not a public document but the learned court below ignoring the objections filed by the petitioner and also ignoring the objections made by the prosecution marked those document as exhibit, vide order dated 2.6.2011. Against which the petitioner preferred Criminal Revision No.167 of 2011 before the Sessions Judge and the Sessions Judge has also dismissed the said Criminal Revision



application, vide order dated 2.4.2013.

Now the petitioner has filed the present application under Section 482 of the Code of Criminal Procedure for quashing the impugned order dated 2.4.2013 passed by the learned Sessions Judge as well as order dated 2.6.2011 passed by Sri S.Rm Judicial Magistrate 1st class in G.R.Case No.1844 of 1998.

It is submitted on behalf of the petitioner that so far order passed by the Revisional court is concerned, the petitioner could not appear before the court on that day and the learned Sessions Judge had dismissed the revision application on the back of the petitioner. So far merit of the case is concerned, it is submitted on behalf of the petitioner that so far information supplied by the Public Information Officer is concerned, it is not a public document and in the order passed by the S.D.O. under Section 144 Code of Criminal Procedure, no date was mentioned, as such the learned Magistrate ought not to have mark them as public documents.

Heard learned A.P.P. also, it has been submitted that if the petitioner has any objection, he can raise the same at the time of



final argument and at present he has no case.

Having heard both sides and perusal of the record, it appears that petitioner is aggrieved by getting certified copy of order sheet passed by the S.D.O. in a proceeding under Section 144 of the Code of Criminal Procedure marked as public document as well as on taking into evidence the information supplied by the Public Information Officer, however, to my opinion, the petitioner can raise objection with regard to genuineness of the above documents even at the time of final hearing.

In view of the discussions made above, I am not inclined to interfere with the revisional court order dated 2.4.2013 passed in Criminal Revision No.167 of 2011 or the order dated 2.6.2011 of the learned court below passed in G.R.Case No.1844 of 1998, however, the petitioner may raise objection with regard to take into evidence as exhibit the information supplied by the R.T.I. Authority and order passed by the S.D.O. in a proceeding under Section 144 of the Code of Criminal Procedure at the time of final argument and the court below, if such objection is raised at the time of final argument, shall consider his objection as to whether



those documents are public documents or not and whether they can be taken into evidence, before proceeding further.

In view of the above objection, this application is disposed of with liberty to the petitioner to raise objection with regard to above documents filed by the opposite party as public document at the time of final argument and the learned court below shall consider the objection with regard to those documents as evidence, shall decide the same after giving opportunity to the parties, before proceeding further.

Since the case is of the year, 2013, the learned court below is directed to expedite the matter and conclude the trial as soon as possible.

(Vinod Kumar Sinha, J)

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