

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.604 of 2017

ORDER :

The revision is maintained impugning the docket order dated 23.12.2016 in memo (S.R.) No.2227 of 2016 in pending CC.No.152 of 2008 passed by the III Additional Judicial Magistrate of First Class, Kothagudem.

2. Heard both sides, before admission.
3. It is the submission of the learned counsel for the revision petitioner that the docket order is incorrect, the lower Court ought to have received the certified copies of Exs.D3 and D4 already marked before the trial Court and the rejection of the memo is thereby unsustainable and liable to be set aside by sitting in revision.
4. The learned Public Prosecutor representing the State of Telangana supported the impugned order stating that the rejection is sustainable.
5. In fact, Court is not bound to receive a document in a pending trial matter, without application to receive either by the prosecution or on behalf of the prosecution by complainant as the case may be, thereby, the rejection of the memo is absolutely correct and nothing to find fault. However, it is the submission that the document already exhibited before the Court. Once such is the case, there is no any necessity to file

again copies of the documents much less to receive by memo. If at all the document is already marked and original document is substitute document, even it must be only receiving a certified copy, that certified copy holds good once on record even from any submission in the course of hearing the revision.

6. Having regard to the above, if at all there is any further necessity from finding on the Court record of the exhibited document is not there and Court asks for reconstruction, it can be filed, it is not even that case. Remedy is thereby otherwise, left open if not exhibited as a document, to receive by filing an application and to pass orders there from.

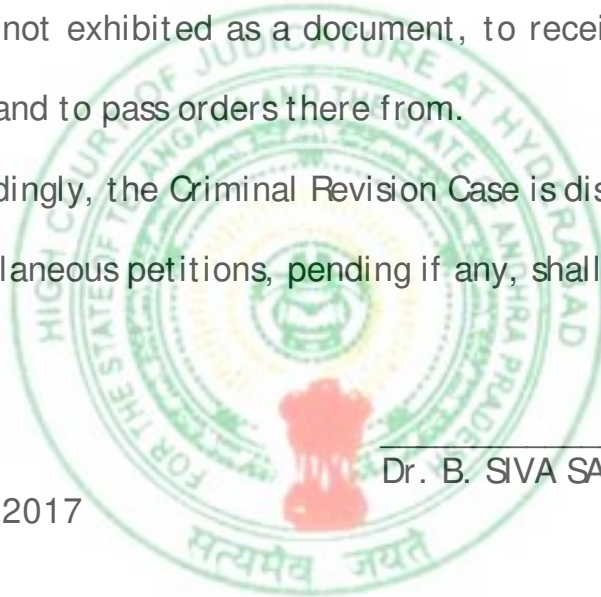
7. Accordingly, the Criminal Revision Case is disposed of.

8. Miscellaneous petitions, pending if any, shall stand closed.

Date:16-03-2017

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Dr. B. SIVA SANKARA RAO, J



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CRIMINAL REVISION CASE No.604 of 2017

DATE: 16.03.2017



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