

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.438 of 2017

JUDGMENT :

The scope of the revision is impugning the dismissal order of the Judicial Magistrate of First Class, Special Mobile Court, Kurnool, dated 07.01.2017, while C.C.No.357 of 2016 was pending, in the CrI.M.P.No.2794 of 2016, which is filed Section 294 (3) Cr.P.C.

No doubt, the scope is very limited of admission of the document by opposite side, particularly, on the accused side. If admitted, no formal proof is required for the sale deeds in question claimed as registered documents, and if not admitted, to prove the same by placing reliance on the very document to consider admissibility, relevancy etc.,

At this stage, it is premature for this Court to pass any orders by giving any findings on genuineness of the document or otherwise. The lower Court definitely went wrong. Though it is against an interlocutory dicta as it effects the rights of parties entertained the revision. At this stage, the fact cannot be ignored of the calendar case already disposed of by ending in acquittal undisputedly. Once such is the case, there is nothing in the revision to give disposal on merits, but for giving liberty in the appeal proposed to be filed by raising the issue also attacking the findings in the impugned order as one of the grounds of the appeal for deciding the appeal on own merits.

Accordingly, the Revision is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

15th March 2017

mar

