

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No.1892 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, ('the Code', for brevity) is filed by the petitioner/accused, having been aggrieved of the order, dated 12.06.2017, of the learned Assistant Sessions Judge, Medchal, Ranga Reddy District, passed in CrI.M.P.No.67 of 2017 in S.C.No.688 of 2014.

2. I have heard the submissions of *Sri S.Surender Reddy*, learned counsel for the petitioner/accused, and of the learned Public Prosecutor for the State of Telangana representing the sole respondent at the stage of admission. I have perused the material record.

3. The facts of the case, which lie in a narrow compass, in brief, are as follows:-

The petitioner/accused filed the afore-stated miscellaneous petition under Section 91 read with Section 230 of the Code requesting the trial Court to direct to cause production of the medical record or the case sheet from Ram Hospital, Shapurnagar, relating to the treatment period of the deceased from 16.11.2013 to 18.11.2013 and also the medical record or case sheet from Gandhi Hospital, Secunderabad, relating to the period from 18.11.2013 to 05.12.2013 of the said deceased Smt. Sujatha, by issuing summons to the officers concerned of the said hospitals. The trial Court, on merits and by the order impugned in this Criminal Revision Case, dismissed the said petition *inter alia* observing that the documents

sought to be summoned are of little relevance to the defence of the petitioner/accused. Therefore, the petitioner/accused is before this Court.

4. At the hearing, the learned counsel for the petitioner/accused would submit that according to the case of the prosecution, the victim attempted to commit suicide by hanging and that she made certain statements to L.W.1, while she was being taken to the hospital, but, according to the true facts, she was unconscious even by the time she was shifted to the hospital and, therefore, summoning of the record from the hospitals is relevant and that the trial Court erroneously dismissed the petition of the petitioner/accused.

5. Per contra, the learned Public Prosecutor, while supporting the orders of the Court below, would submit that the trial Court is justified in passing the impugned order in the facts and circumstances of the case and that the documents which are sought to be summoned are not only irrelevant but the petition is also devoid of merit as the documents do not support the case of the petitioner/accused even if they are summoned and produced before the Court as the hospital records would contain details of the condition of the patient, at best, from the moment the patient/victim is first seen by a competent doctor of the hospital but, do not contain any details about the condition of the patient prior to the patient's first examination on the arrival at the hospital either at the emergency or any other ward to which the patient might have been brought for first examination. Be that as it may.

6. The learned counsel for the petitioner, in the facts and circumstances of the case, would alternatively submit that this Criminal

Revision Case may be disposed of reserving liberty to the petitioner/accused to renew the request in this application after completion of the examination of L.Ws.1 to 4, if necessary, and if the facts of the case so warrant.

7. Having regard to the facts and submissions and the alternative submission made by the learned counsel for the petitioner/accused, this Court is of the considered view that this Criminal Revision Case can be disposed of granting appropriate relief.

8. In the result, the Criminal Revision Case is disposed of reserving liberty to the petitioner/accused to renew the request by filing an application for the same relief before the trial Court, if necessary, and, if the facts of the case so warrant, however, after completion of the examination of L.Ws.1 to 4 during the course of trial.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

M.Seetharama Murthi, J

06th July, 2017

NOTE:-
Furnish C.C. by 24.07.2017.
(B/O)
Bvv