

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1281 of 2017

ORDER:

This criminal petition is filed by the petitioner, under Section 482 of Cr.P.C., seeking to quash the docket order, dated 20.10.2016, of the learned Special Judicial Magistrate of First Class, Prohibition and Excise Court, Srikakulam, passed in CrI.M.P.No.2334 of 2016 in D.V.C.No.25 of 2015.

2. Heard learned counsel for the petitioner and learned Public Prosecutor and with their consent, the criminal petition is disposed of at the admission stage.

3. The CrI.M.P.No.2334 of 2016 was filed under Section 242 (3) of Cr.P.C. by the petitioner therein seeking for admitting certain documents, which are seven in number in order to prove the factum of the disputed marriage. The Court below allowed the said petition by observing that mere marking of the document does not mean that its contents are proved and directed that the documents, except the photographs shall be marked.

4. Learned counsel for the petitioner raises an objection as regards the admissibility of the documents i.e., (1) certified copy of the photograph of the petitioner and the second respondent at Annavaram, (2) certified copy of the wedding card of the petitioner and the second respondent, and (3) original sumuhurtham copy of the petitioner and the second respondent.

5. Hence, it would be better that the lower Court is directed to hear the petitioner herein on the aspect of admissibility of the said three documents before marking the said documents.

6. With the above observations, the Criminal Petition is dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

JUSTICE T. RAJANI

Date: 12th October, 2017

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SMT JUSTICE T. RAJANI

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