

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.771 of 2017

ORDER:

This criminal petition is filed seeking for quash of proceedings in CC.No.586 of 2012 on the file of the I Additional Judicial Magistrate of First Class, Karimnagar.

2. Heard learned counsel for the petitioner; learned Public Prosecutor; and learned counsel appearing for respondent Nos.2 to 4 and with their consent, the criminal petition is disposed of at the admission stage.

3. The Court below by virtue of the said order dismissed the petition, which was filed by the petitioner under Section 254(2) Cr.P.C. seeking for a direction to A1 to produce certain documents bearing Nos.1351 of 2004, 159 of 2005 and 2405 of 2007. The grounds on which this petition is filed are that the police took the documents during investigation and that the police are in possession of those documents at present; the Court below committed an error in dismissing the petition merely because respondents denied the possession of the documents; the Court below ought to have seen that they are all original documents but not the copies of the documents necessary for a just and proper decision in the matter; the Court below did not at all consider the plea of the petitioner seeking direction to the respondents.

5. At the hearing, the learned counsel for the petitioner contends that the documents are needed for the purpose of trial; as a plea of forgery is taken. But, in the circumstances, where A1 denies the custody of the documents, the Court cannot order for the custody. It is for the petitioner to seek for production of those documents from the persons in whose custody they are lying. In this case, the contention of A1 is that the documents are lying with the police.

6. Hence, petitioner has to take steps to seek for production of the documents from the custody of police by filing appropriate petition. It is not for the Court to take up the responsibility and direct the police to produce those documents as argued by the counsel for the petitioner.

With the above observations, the Criminal Petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

October 11, 2017
Lmv

JUSTICE T. RAJANI

