

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7298 of 2017

ORDER:

The petitioner is the complainant in Crime No.418 of 2009 of Saroornagar Police Station, Hyderabad registered for the offences punishable under Section 498-A IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961 and the police after investigation filed final report that was taken cognizance by the learned XIV Metropolitan Magistrate, Ranga Reddy District at L.B Nagar for the offences supra and conducted trial and the case was ended in acquittal. Against the acquittal judgment, she filed Criminal Appeal in CrI.A. No.587 of 2013 before XIII Additional District & Sessions Judge-cum-Additional Metropolitan Sessions Judge, Cyberabad at L.B Nagar, Ranga Reddy District and the same is pending. During the pendency of appeal, she filed an application in CrI.M.P. No.81 of 2017 to receive as many as 21 documents of which so far as the appeal purpose concerned, but for the 12th document—panchayat meeting certificate and if at all the written arguments under 21 documents, the remaining documents are no way relevant to establish the cruel treatment she claimed to have meted out, in setting the law in motion covered by Crime No.418 of 2009 and the subsequent documents and any of the health certificates of September, 2008 no way relevant for the purpose of case even the lower Court was right, thereby and dismissing the objections but for to say, it should have received the panchayat meeting certificate covered document No.12 and the written argument, party is entitled to submit in the appeal

2) Having regard to the above, the petition is allowed to that extent with the specific observation that in respect of the documents filed apart from the evidence which is not there already on record before the trial Court, the appellate Court may permit for adducing any oral evidence with reference to it either to be recorded by itself or to send to the trial Court for the purpose of recording the same and giving report with the recorded evidence for appreciation in the appeal. Needless to say, as the appeal is of 2013, the lower Court shall make every endeavour for making early disposal.

3) Pending miscellaneous petitions, if any, shall stand closed.

Date: 22.08.2017
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JUSTICE Dr. B.SIVA SANKARA RAO

