

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4502 of 2016

Arising Out of PS.Case No. -95 Year- 2013 Thana -BALIA
District- BEGUSARAI

=====

Md. Aftab Alam @ Md. Aftab Son of Md. Subhan, Resident
of Village - Kasba, P.S. - Ballia, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Owais, Son of Late Md. Zarif,
3. Md. Mister Son of Md. Gayas, Both resident of village -
Kasba, P.S. - Ballia, District - Begusarai.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin
For the Opposite Party/s : Mr. Upendra Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 26-03-2018 The Court below had initially directed the prosecution to produce the inquest report but it could not be done because the inquest report was not available on record. Only a photocopy of the inquest report was found to be available on record.

Since there was no material before the Court to ascertain that the photocopy was of the original copy, the document was not held to be genuine. The Trial Court did not have any idea as to the process involved in getting the photocopy of the original inquest report. Under such circumstance, the request of the prosecution to mark the photocopy of the inquest report as an exhibit was refused.



Section 294 of the Cr.P.C reads as follows:-

"294. No formal proof of certain documents.-(1) Where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list and the prosecution or the accused, as the case may be, or the pleader for the prosecution or the accused, if any, shall be called upon to admit or deny the genuineness of each such document.

(2) The list of documents shall be in such form as may be prescribed by the State Government.

(3) Where the genuineness of any document is not disputed, such document may be read in evidence in any inquiry, trial or other proceeding under this Code without proof of the signature of the person to whom it purports to be signed:

Provided that the Court may, in its discretion, require such signature to be proved."

A document can be exhibited without formal proof if its genuineness is not disputed. The Trial Court is absolutely justified in refusing to mark the photocopy of the inquest report as an exhibit.

There is no reason to interfere with the order impugned. The petition is, therefore, dismissed.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

