

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42179 of 2017

Arising Out of PS.Case No. -88 Year- 1997 Thana -BARAHIYA District- LAKHISARAI

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1. Awadhesh Singh, son of Kedar Singh
 2. Tripurari Singh @ Sunil Singh son of Chandrika Singh
Both resident of village- Sharma Taal, P.S.- Barahiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kaushlendra Singh, son of Late Banarsi Singh, resident of village- Sharma Taal,
P.S.- Barahiya, District- Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Prasad Nr. Sahi, Advocate

For the State : Mr. Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-03-2018

Heard learned counsel for the petitioners and learned
counsel for the State.

2. This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioners for quashing the order dated 02.08.2017 passed by Fast Track Court No. 1, Lakhisarai in S. Tr. No. 820 of 1999, arising out of Barahiya (Birpur) P. S. Case No. 88 of 1997 by which the prayer of the prosecution for bringing on record the charge sheet of Birpur P. S. Case No. 24 of 1999 as an exhibit has been allowed.

3. The petitioners have been made accused in a case under Section 302 of the Indian Penal Code. On completion of investigation,



the same was found true and charge-sheet was submitted against them. On receipt of the charge-sheet, cognizance of the offence was taken and the case was committed to the court of session for trial. After the evidence on behalf of the prosecution was closed, the statement of accused persons were recorded under Section 313 of the Cr.P.C. and the case was fixed for argument. After the argument on behalf of the prosecution was closed, a petition was filed on behalf of the prosecution on 19th July, 2017 to bring on record charge-sheet of the case relating to death of witness Kishun Singh @ Ram Kishun Singh. An objection was raised on behalf of the accused persons that the prayer was made belatedly and without disclosing the provision of law for proving charge-sheet.

4. After hearing the parties, the court below vide impugned order dated 02.08.2017 allowed the prayer made on behalf of the prosecution giving rise to the present application.

5. Assailing the impugned order dated 02.08.2017, learned counsel for the petitioners submitted that the same is not tenable in law or on facts. He submitted that the certified copy of the charge-sheet has been filed at a belated stage and the same has been ordered to be taken in evidence even without any formal proof.

6. In the opinion of this Court, the ground taken by the petitioner for assailing the order is not sustainable. A certified copy



issued by the registry of the court is a public document. In the case of **Madamanchi Ramappa and Another vs. Muthaluru Bojjappa, AIR 1963 SC 1633**, the Supreme Court held that certified copy of public document can be exhibited in evidence even without proof. Further Section 79 of the Evidence Act enumerates presumption as to genuineness of certain kind of documents which includes certified copy. It is because public documents are made by public servant during course of performance of their duties and those documents are also public documents published by sovereign authority and the legislature, they are kept in custody of public office and certified copies are signed and issued by respective legal keeper or authority. Thus, as a proof a public document is regarded as primary evidence. Such document is presumed to be genuine unless otherwise its legal veracity is questioned.

7. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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