

THE HONOURABLE Dr.JUSTICE B.SI VA SANKARA RAO

CRIMINAL PETITION No. 6161 of 2016

ORDER:

The petitioners are the accused 1 and 2. The 2nd respondent is the complainant in C.C.No.499 of 2012 on the file of VIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. Impugning the order allowing recall of PW.1 to receive the Original Cell Phone (Device) for the Secondary Electronic Evidence by CD already said to be adduced, and to exhibit in CrI.M.P.No.2327 of 2015 dated 09.02.2016 on the application of the prosecution (complainant), the present petition is filed.

Heard counsel for 2nd respondent, and the 1st respondent-Public Prosecutor, and counsel for the petitioners-accused in detail and perused the grounds of impugned order.

Once the trial Court exercised discretion supported by reasons for permitting receiving of the Original Cell Phone to recall PW.1 and to exhibit the same, leave about any objections regarding Secondary Electronic Evidence under Section 65 of the Indian Evidence (Amended) Act, those all left open, there is nothing to interfere with the order when the case is within the scope of the second limb of Section 311 Cr.P.C., and Section 165 of the Evidence Act.

Hence, the criminal petition is dismissed. However, it is made clear that the observations made here will not interfere with the proceedings of the trial Court in this matter.

Miscellaneous petitions, if any pending, shall stand closed.

Dr. B.SI VA SANKARA RAO, J

Date: 13.11.2018
KSM

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13th November, 2018

KSM