

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 1999 OF 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the respondent State.

The present Criminal Revision Case is filed challenging the orders passed in CrI.M.P.No.4421 of 2017 in C.C.No.346 of 2016 dated 20.6.2018 on the file of the Court of IX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur, allowing the petition to receive the documents i.e., 14 photographs along with CD to prove the case of the prosecution.

The facts in brief are that the petitioner herein is charged for the offence under Sections 417, 420 and 493 IPC. During the course of the trial, the prosecution has examined one witness i.e., PW1. At that stage, the prosecution filed CrI.M.P.No.4421 of 2017 under Section 242 (3) of Cr.P.C. requesting the Court below to receive the enlisted documents. The petitioner herein opposed the said petition on the ground that such procedure is not available to prosecution since they can only introduce fresh evidence by way of filing an additional charge sheet. The Court below, after hearing , was pleased to allow the above said petition by order dated 20.6.2018.

Aggrieved by the same, the present Criminal Revision Case is filed.

Learned counsel for the petitioner contended that the Court below, committed an irregularity in receiving the documents after commencement of the trial. Section 242 (3) of Cr.P.C. does not contemplate receiving of the documents subsequent to Section 207 Cr.P.C. stage.

Per contra, learned Public Prosecutor appearing for the respondent State would submit that under Section 242 (3) Cr.P.C., prosecution is entitled to file the above petition to bring on record the documents which are relevant for the just decision of the case. Therefore, there is no irregularity or illegality in the orders passed by the Court below.

Having heard both the counsel and from the perusal of the material on record, it is revealed that the petitioner herein is charged for the offence under Sections 417, 420 and 493 IPC. It is during the course of examination of PW1, the prosecution filed the subject petition to receive the photographs and CD which are relevant to prove the prosecution case. A perusal of CrI.M.P.No.4421 of 2017 filed by the prosecution under Section 242 (3) Cr.P.C. would show that no reasons are mentioned as to how the above said photographs and the CD is relevant and material for the

prosecution to prove its case. What all that is stated in the petition is that PW1 brought some documents to file before the Court and they are very essential to prove the case against the accused. Except that, the nature of the documents and the relevancy of the same vis-à-vis the offence against the petitioner, is not explained. Therefore, the said petition is bereft of material particulars enabling the prosecution to file a petition under Section 242 (3) Cr.P.C. However, that itself, cannot be a ground to throw away the petition when once prosecution specifically pleads that the enlisted documents are essential for proving its case.

In the above circumstances, this Court deems it appropriate to give an opportunity to the respondent State to file a fresh petition giving reasons so as to enable the petitioner to meet the same.

Accordingly, the Criminal Revision Case is allowed by setting aside the orders passed in CrI.M.P.No.4421 of 2017 in CC.No.346 of 2016 dated 20.6.2018 on the file of the Court of IX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur, giving liberty to the respondent State to file a fresh petition giving proper reasons as to how the enlisted documents are relevant for the just decision of the case.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

P. KESHAVA RAO,J

Date: 30.7.2018

KPM

