

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.2112 OF 2018

ORDER:

Heard learned counsel for the petitioner as well as learned Public Prosecutor appearing for the 3rd respondent-State.

2. The present Criminal Revision Case is filed questioning the order, dated 24.07.2018, passed in CrI.M.P.No.995 of 2018 and CrI.M.P.No.1185 of 2018 in C.C.No.56 of 2012, by the Principal Judicial Magistrate of First Class, Kodad, allowing the petition filed under Section 294 Cr.P.C. to receive the documents filed along with the petition.

3. The facts, in brief, are that the 1st respondent herein filed a complaint numbered as C.C.No.56 of 2012 against the petitioner herein and the 2nd respondent for the offence punishable under Section 494 IPC. During the pendency of the said Calendar Case, the 1st respondent-*de facto* complainant filed a petition vide CrI.M.P.No.995 of 2018 under Section 294 Cr.P.C. requesting the Court below to receive the documents filed along with the petition to show the offence against the petitioner and the 2nd respondent since in the documents filed along with the petition, it is mentioned that they are the wife and the husband. In the certified copy of the registered document bearing No.2306 of 2017 and other documents, it is mentioned the relationship of the petitioner and the 2nd respondent. The petitioner herein filed counter and contested

the same. After hearing, the said petition was allowed by the learned Magistrate by order, dated 24.07.2018. Aggrieved by the same, the present revision case is filed.

4. Learned counsel appearing for the petitioner, would contend that the learned Magistrate erred in considering the contentions of the 1st respondent and allowed the petition contrary to law. The petition is filed by the 1st respondent only to drag on the proceedings. The said documents cannot be received in evidence since they cannot form the basis to prove the bigamy against the petitioner and the 2nd respondent.

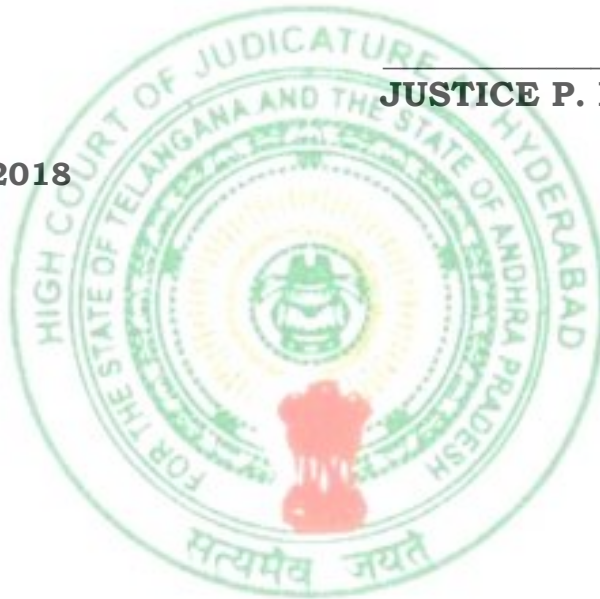
5. Having heard the contentions of learned counsel for the petitioner and from the perusal of the material on record, particularly, the petition filed in Crl.M.P.No.995 of 2018, it is revealed that the certified copy of the registered document bearing No.2306 of 2017, dated 18.05.2017, obtained from the M.Seva to prove the photo identity and description of both the petitioner and the 2nd respondent, is relevant for the purpose of adjudicating the issue involved in the Calendar Case. Similarly, in the other documents, the relationship between the petitioner herein and the 2nd accused has been mentioned. In that view of the matter, the same can be received in evidence. That apart, at the stage of receiving the documents, the veracity or otherwise of the said documents cannot be gone into.

6. In these circumstances, this Court finds no irregularity or illegality in the orders passed by the Court below. Hence the Criminal Revision Case is devoid of merit is liable to be dismissed.

7. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed. There shall be no order as to costs.

JUSTICE P. KESHA RAO

AUGUST 07, 2018
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THE HON'BLE SRI JUSTICE P. KESHA VA RAO



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Date: 07.08.2018

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