

HON'BLE SRI JUSTICE N.BALAYOGI

CRIMINAL REVISION CASE No.2684 of 2018

ORDER:

Learned counsel for the petitioner submits that the main revision itself may be disposed of with liberty to redress the grievance after exhausting the remedy of issuance of notice under Section 66 of the Indian Evidence Act, 1872 (for short 'the Act').

Learned Public Prosecutor appearing for the State did not oppose the same.

This revision is filed aggrieved by the order dated 24.08.2018 passed in CrI.MP.No.1551 of 2018 in C.C.No.122 of 2017 by the II Special Magistrate, Hasthinapuram, Ranga Reddy District, whereby the learned Magistrate dismissed the application on the ground that the petitioner did not take steps to issue notice to the person, who is in possession of the development agreement dated 28.07.2014, and for production of the same.

Section 66 of the Act contemplates that secondary evidence of the contents of the documents, referred to in Section 65, clause (a), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law.

In the instant case, the original development agreement dated 28.07.2014 is admittedly with M/s.Sai Balaji Constructions and the photocopy of the same is to be received as evidence.

In view of the submission of the petitioner, the Criminal Revision Case is disposed of with liberty to avail the remedy, under Section 66 of the Act, for production of the document and other remedies available under law.

The Criminal Revision Case is disposed of accordingly. Miscellaneous petitions, if any, pending, shall stand closed.

Dt:11.10.2018
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N.BALAYOGI,J