

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CRIMINAL REVISION CASE No.1485 of 2009

ORDER:

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C., questioning the order dated 06.08.2009 passed by the Family-cum-Additional Sessions Judge, Nalgonda in Crl.M.P.No.119 of 2009 in Crl.A.No.49 of 2008, whereby and whereunder the learned Sessions Judge dismissed the application filed by the petitioner seeking to adduce additional evidence.

The sum and substance of the case of the petitioner-accused is that she was convicted and sentenced for simple imprisonment for a period of one year in C.C.No.8 of 2005 on the file of the Judicial First Class Magistrate, Devarakonda for dishonour of cheque bearing No.0695472 dated 08.11.2004 for a sum of Rs.2,50,000/-. Aggrieved by the same, Crl.A.No.49 of 2008 is filed. When the Criminal Appeal is coming for hearing, the petitioner filed the afore-stated Crl.MP., seeking to file documents viz., certified copy of the decree and judgment in O.S.No.536 of 2005 passed in favour of the husband of the petitioner and agreement dated 27.07.2003, which, according to her, are essential to prove the transaction. However, the learned Sessions Judge rejected the same without appreciating the facts and merits of the case.

It may be noted that in C.C.No.8 of 2005, D.W.3 deposed that on 27.07.2003, a panchayat was held in his presence between the complainant and the accused and a settlement was arrived at between them and he reduced the same in writing as a scribe. A

xerox copy, which was shown to the witness, confirmed that it was scribed by him on that date. He further deposed that the original agreement was handed over to one party and a copy of the same was handed over to other party and that he does not remember who had taken the original and who had taken the copy.

In the light of the evidence adduced by D.W.3 and considering the fact that the petitioner is a house wife, when the documents were sought to be produced before the Court below, the learned Sessions Judge ought to have taken a pragmatic view and allowed the Application. A perusal of the order under revision does not indicate any ground, except stating that there is no convincing reason for relying on the documents for better appreciation of issues between the parties. Therefore, the order under revision is erroneous and there is no reason for not receiving the documents subject to proof and relevancy.

Therefore, the Criminal Revision Case is allowed and the order under revision is set aside. The Court below is directed to receive the documents, subject to their admissibility and relevancy, and dispose of the Appeal as expeditiously as possible.

Miscellaneous petitions, if any, pending in this revision shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:28.01.2020

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