

12.07.2021
Item no.33
Ct. No.34
CHC

C.R.R. No.2222 of 2012

(Via Video Conference)

In Re: An application under Section 482 of the Code of Criminal Procedure.

AND

In the matter of:-

Arup Agasthi

... petitioner

The present revisional application has been preferred against the order dated 08.12.2011, passed by the learned Judicial Magistrate, 1st Court, Contai, in Misc.Case No.104 of 2008 under Section 125 of the Code of Criminal Procedure as also the judgement and order dated 21.04.2012, passed by the learned Additional Sessions Judge, Contai in Criminal Revision No.44 of 2011.

The certified copies of the order so enclosed along with revisional application reflects that learned Magistrate by its order dated 8th of December, 2011 was pleased to mark certain documents as exhibits after the examination of the witnesses/accused were over. It is seen from the order that the learned Magistrate assigned his reasons for admitting such document at a belated stage and provided opportunity thereby fixing argument on a subsequent date.

Being aggrieved, the present petitioner approached the Sessions Court invoking revisional jurisdiction and the same was dismissed by the learned Sessions Judge with costs.

Perused the order passed by the learned Magistrate and I am of the view that mere admissibility of the document do not prejudice the parties until and unless it is shown by a party to a litigation that he or she has been prejudiced because of admission of such document at a belated stage. Further, it has been settled by the Hon'ble Apex Court that if for ends of justice a court of law is of the opinion that document has to be taken into evidence mere admitting the same at a belated stage do not justify non marking of the same as exhibits. Learned Sessions Court rightly did not entertain the revisional application and I am of the similar view that no illegality has been committed by both the courts below; as such, the revisional application do not call for any interference.

Accordingly, C.R.R.2222 of 2012 is dismissed.

Pending application, if any, is hereby disposed of.

Interim order, if any, is hereby vacated.

The opposite party/wife will be entitled to recover the arrears by taking out an appropriate application before the learned Magistrate.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)