

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**WEDNESDAY, THE TWENTY NINTH DAY OF MARCH  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION NO: 578 OF 2020**

**Between:**

Smt. Narseen Begum, W/o. Md. Farooaq, Aged 47 Years, Occ. Household,  
R/o. H.No. 1-7-1012, Hari Nagar, Musheerabad, Hyderabad 20, T.S

**...PETITIONER(REVISION PETITIONER/COMPLAINANT)**

**AND**

1. The State of Telangana, Through Public Prosecutor, High Court for the State of Telangana, Hyderabad
2. Syed Nayeemuddin, S/o. Sd. Raheemuddin, Aged 55 Years, Occ. Business, R/o. H.No. 5-6-166, Special "B" Class, Megha, H.No. 1185, New Aghapura, Hyderabad 500001, T.S

**...RESPONDENTS(RESPONDENT/ACCUSED)**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records relating to and connected with order Dated 24/01/2018 made in Crl.M.P.No. 1519 of 2017 in C.C.No. 289 of 2015 on the file of the XVI Special Magistrate Hyderabad, confirmed by the Order Dated 13/12/2019 in Criminal Revision Petition No. 287 of 2018 on the file of the Metropolitan Sessions Judge, Hyderabad

**I.A. NO: 1 OF 2020**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant Stay of all further proceedings in C.C.No. 289 of 2015 on the file of the XVI Special Magistrate Hyderabad, pending disposal of the Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri KRISHNA MURTHY VYDYULA, Advocate for the Petitioner and of the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No.578 OF 2020**

**ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner to quash the order dated 24.01.2018 in CrI.M.P.No.1519 of 2017 in C.C.No.289 of 2015 passed by the learned XVI Special Magistrate, Hyderabad, confirmed by the order dated 13.12.2019 in Criminal Revision Petition No.287 of 2017 by the learned Metropolitan Sessions Judge, Hyderabad.

2. Heard the learned counsel for the petitioner, learned counsel for the 2<sup>nd</sup> respondent and learned Additional Public Prosecutor for the respondent - State. Perused the record.

3. The petitioner has filed an application i.e., CrI.M.P.No.1519 of 2017 in C.C.No.289 of 2015 before the learned Magistrate for receiving the additional documents i.e., (9) diaries with effect from 2007 to March, 2015 and (6) photographs along with C.D. for the purpose of marking the same. The learned Magistrate dismissed the said application stating that the description and details of the documents were not mentioned in the complaint and also they were not filed at the time of filing complaint. Aggrieved by the said dismissal order, the petitioner preferred Criminal

Revision Petition No.287 of 2018 before the learned Sessions Judge, who found favour with the finding of the learned Magistrate.

4. Both the learned counsel appearing for the petitioner and 2<sup>nd</sup> respondent would submit that the trial has not yet commenced in the Court below.

5. For the sake of convenience, Section 254 of Cr.P.C. is extracted hereunder.

254. Procedure when not convicted.

(1) If the Magistrate does not convict the accused under section 252 or section 253, the Magistrate shall proceed to hear the prosecution and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence.

(2) The Magistrate may, if he thinks fit, on the application of the prosecution or the accused, issue a summons to any witness directing him to attend or to produce any document or other thing.

(3) The Magistrate may, before summoning any witness on such application require that the reasonable expenses of the witness incurred in attending for the purposes of the trial be deposited in Court.

6. Under Section 254 Cr.P.C., in a summons procedure, when the Magistrate does not convict an accused either under Section 252 or Section 253, the Magistrate shall proceed to hear the prosecution and take all such evidence as may be produced in support of the prosecution. The wording of 'all such evidence' would also include any such documents

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which were not mentioned in the complaint. Further, the Hon'ble Supreme Court in case of *Bipin Shantilal Pancha*<sup>A</sup> held that the documents produced by either of the parties shall be marked subject to the objection of other side and the objection shall be decided at the time of final hearing. Only for the reason of not mentioning about the documents in the complaint, will not preclude the complainant from getting the said documents on record which are prior in time to the transaction.

7. In the said circumstances, the order of the learned Sessions Judge is liable to be set aside and the petitioner – complainant is allowed to mark the said documents. However, marking the said documents would cause no prejudice to the accused as they have a right of cross examination.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous Petitions, pending if any, shall stand closed.

**SD/- MODH.ISMAIL**  
**ASSISTANT REGISTRAR**

//TRUE COPY//

  
**SECTION OFFICER**

To,

1. The XVI Special Magistrate at Erramanzil, Hyderabad
2. The Metropolitan Sessions Judge, Hyderabad
3. One CC to SRI. KRISHNA MURTHY VYDYULA Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
5. Two CD Copies

KKS

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HIGH COURT

DATED:29/03/2023



ORDER

CRLP.No.578 of 2020

ALLOWING OF THE CRLP

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17/5/23