

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

**MONDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE
PRESENT**

**THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION NO: 2266 OF 2023**

Between:

1. Mohammad Moheroddin, S/o. Zameeroddin, aged about 27 years, Occu. Private Employee, R/o. H.No. 4-2/20/1/A, Ambedkar Nagar, Nacharam, Secunderabad.
2. Shaik Sami Ullaha, S/o. Shaik Faizullah, aged about 48 years, Occu. Labour, R/o. H.No. 9-20-286, Mujahid Nagar, Malapally, Nizamabad District.
3. Mohammad Saleemoddin, S/o. Zaheeroddin, aged 38 years, Occu. Electrician, R/o. H.No. 4-5-157/2, Barkathpura, Kamareddy.
4. Mohammad Saluddin, S/o. Zaheeroddin, aged about 35 years, Ocu. Cook, R/o. H.No. S2/S, 7th Battalian, Dichpally Village and Mandal, Nizamabad District.

...PETITIONERS/ACCUSED No. 1 to 4

AND

The State of Telangana, The State through S.H.O., P.S., Kamareddy. Rep. by the Public Prosecutor, State of Telangana, High Court of Telangana, Hyderabad.

...RESPONDENT/COMPLAINANT

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 allow the above CrI.P by duly setting aside order dated 01/02/2023 in CrI. M.P. No. 134 of 2022 in S.C. No. 292 of 2021, on the file of the Court of the Honorable Assistant Session Judge at Kamareddy in the interest of justice.

I.A. NO: 1 OF 2023

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 suspend the operation of the order dated 01/02/2023 in CrI. M.P. No. 134 of 2022 in S.C. No. 292 of 2021, on the file of the Court of the Assistant Session Judge, at Kamareddy, pending the disposal of Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P VINOD LAL ,Advocate for the Petitioners and the Additional Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.2266 OF 2023****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-respondents - Accused Nos.1 to 4 to set aside the order dated 01.02.2023 in CrI.M.P.No.134 of 2022 in S.C.No.292 of 2021 passed by the Assistant Sessions Judge at Kamareddy.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent – State. Perused the material on record.
3. The State has filed an application under Section 294 of Cr.P.C. before the Assistant Sessions Judge, Kamareddy, to receive Agreement cum Memorandum of Understanding dated 09.02.2021 which is said to have been executed between the *de facto* complainant and accused, to verify the signatures of the accused on agreement and on arrest card and to receive document on behalf of prosecution. After concluding arguments, the learned Sessions Judge allowed the said application.

4. Aggrieved by the said order of learned Sessions Judge permitting to receive certain documents which were not subject matter of the charge sheet nor a mention about the said documents in the said charge sheet, the present criminal petition is filed. According to the counsel for the petitioners, when such documents are neither filed along with the charge sheet nor made a mention in the charge sheet, the said documents cannot be brought on record, unless the procedure under Section 173(8) of Cr.P.C. is followed.
5. Even according to the learned counsel for the petitioners, the document is prior to the registration of crime.
6. Since the document is executed prior to the registration of crime and the said document is filed at the initial stage of trial when the examination of witnesses have not yet commenced, I do not find any infirmity or illegality in the order of the learned Sessions Judge permitting the documents to be brought on record. The prosecution has filed the petition under Section 294 of Cr.P.C. giving notice and calling upon the accused to either admit or deny the document. However, learned Sessions Judge thought it fit to

permit the prosecution to bring the documents on record under Section 231 of Cr.P.C.

7. The contention that any such documents which are not filed along with the charge sheet cannot be brought on record, unless procedure under Section 173(8) of Cr.P.C. is followed has no basis. Under Section 231 of Cr.P.C., in a Sessions trial on a date fixed, it is for the judge to proceed to take all such evidence as may be produced in support of prosecution. The said wording in Section 231 of Cr.P.C. clearly indicates that the judge has the discretion to permit the prosecution to produce such documents, even though said documents were not filed along with charge sheet. Since the accused have a right to cross examine, no prejudice would be caused if such document is brought on record. In the said circumstances, I do not find any infirmity in the order of the learned Sessions Judge. Hence, the present criminal petition is liable to be dismissed.

8. Accordingly, the Criminal Petition is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- A.V.S.PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Judicial Magistrate of First Class at Kamareddy.
2. The Station House Officer, Kamareddy Police Station, Kamareddy District.
3. Two CC to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri P.Vinod Lal, Advocate [OPUC]
5. Two CD Copies

BJLB

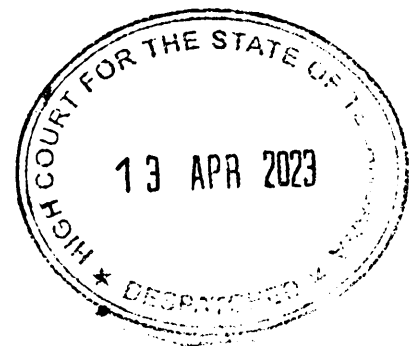
PR

HIGH COURT

DATED:06/03/2023

ORDER

CRLP.No.2266 of 2023



CRIMINAL PETITION IS DISMISSED

(8) VW
28/3/23