

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.272 OF 2025

18.12.2025

Between :

Smt J. Madhuravi

... Petitioner/Appellant/
Accused

And

The State of Telangana,
Rep., by its Public Prosecutor,
High Court for the State of Telangana,
Hyderabad & another

... Respondents

ORDER

This criminal petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner/Appellant/Accused praying to quash the order dated 12.12.2024 in CrI.M.P.No.69 of 2024 in CrI.A.No.166 of 2018 on the file of XII Additional District Judge, Ranga Reddy District at L.B.Nagar. The petitioner herein is the appellant in CrI.A.No.166 of 2018, wherein she filed a petition under Section 391 Cr.P.C,

praying the Court to receive certified copy of decree and judgment dated 05.08.2024 in O.S.No.2622 of 2018.

2. The contention of petitioner before the appellate Court is that the complainant has filed C.C.No.269 of 2016 under Section 138 of Negotiable Instrument Act against the petitioner herein, and the trial Court has convicted the petitioner and sentenced to undergo R.I for one year and to pay compensation of Rs.13 Lakhs. Taking advantage of the conviction, the complainant has also filed suit vide O.S.No.2622 of 2018 on the file of IV Additional Senior Civil Judge at L.B.Nagar, and after full-fledged trial, the suit was dismissed. As such, it is very essential to prove the case of the petitioner/appellant.

3. The respondent therein filed counter stating that the document which is sought to be filed has no relevance to the proceedings as the findings recorded in one proceeding may be treated as final or binding in the other as both the cases have to be decided on the basis of evidence adduced therein. Further appeal is filed against the judgment in O.S.No.2622 of 2018, therefore, it cannot be considered and prayed to dismiss the said petition.

4. After hearing both sides, the trial Court dismissed the said petition stating that the judgment has not attained finality as there is appeal filed by the aggrieved persons.

5. Heard Sri J. Mallikarjun, learned counsel for the petitioner, Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for respondent No.1 and Sri M.Srinivas Reddy, learned counsel appearing for respondent No.2.

6. The contention of learned counsel for the petitioner is that the trial Court failed to see that application under Section 397 of Cr.P.C, to receive the certified copy of decree and judgment in O.S.No.2622 of 2018 was ended in dismissal against the petitioner herein. The Court below erred in passing order observing that the respondent had filed appeal and at that stage, the Court cannot decide merits, relevancy and admissibility of the said document and it has to be decided at the time of final disposal of appeal. Therefore the appellate Court erred in dismissing the said petition and prayed this Court to set aside the same and to direct the appellate Court to receive the subject document.

7. On the other hand learned counsel for respondent No.2 opposed the same stating that the judgment of trial Court in the civil suit has no bearing in criminal appeal that too it has not

attained finality as there is appeal filed and pending before the competent Court. Therefore there is no illegality in the order of appellate Court and there are no merits in this petition and prayed to dismiss this petition.

8. Considering the submissions made and the material on record the point to be decided in this case is that whether the judgment of trial Court can be received as evidence at the stage of appeal.

9. Admittedly, criminal case and civil suit is filed for the same amount and in the criminal case, the petitioner herein was convicted. Against the said conviction, petitioner filed appeal and the civil suit was dismissed by the civil Court disbelieving the evidence of plaintiff therein. Whether the judgment has relevance or not or that can be considered on merits has to be decided while deciding the appeal and it is only a receive document petition. Mere receiving of document cannot be considered as admitted or proved against the other party. Section 391 Cr.P.C is analogous to Order 41 Rule 27 of CPC. Therefore, at the stage of receiving the document, Court cannot go into merits of the same, whether it is relevant or not. Therefore, the impugned order is liable to be set aside.

10. Accordingly, the Criminal Petition is allowed setting aside the order dated 12.12.2024 in CrI.M.P.No.69 of 2024 in CrI.A.No.166 of 2018 on the file of XII Additional District Judge, Ranga Reddy District at L.B.Nagar. The Court below is directed to receive the subject document and decide independently as to in what way it is relevant to the criminal case, in view of presumptions which are available in civil and criminal case.

Miscellaneous applications, if any pending, shall stand closed.

Date: 18.12.2025
Rds

K. SUJANA, J

THE HONOURABLE SMT JUSTICE K. SUJANA

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Date: 18.12.2025

Rds