

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**CRIMINAL PETITION No.2845 of 2014**

**ORDER:**

Assailing the order, dated 18.02.2014, passed in Criminal Revision Petition No.404 of 2013 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad, the present Criminal Petition is filed by accused No.1 under Section 482 of the Criminal Procedure Code, 1973, seeking quashing of the same.

The facts in issue are that the prosecution filed an application under Section 242 (3) Cr.P.C. requesting the Court to receive certain documents subject to their relevancy and admissibility. The said application was allowed by the XIII Additional Chief Metropolitan Magistrate, Hyderabad on 05.01.2013. Aggrieved by the said order accused No.1 filed Crl.R.P.No.404 of 2013 before the III Additional Metropolitan Sessions Judge, Hyderabad, which was rejected on 18.02.2014. Questioning the legality of the said order the present application is filed.

Heard Sri T.Pradyumna Kumar Reddy, the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the second respondent-State.

The material placed before the Court would indicate that the police filed a charge sheet against the accused for the offences punishable under Sections 498-A, 420 and 406 IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961. At the time of trial, the prosecution filed an application under Section 242 (3) Cr.P.C. to receive certain documents subject to the relevancy and

admissibility. The documents which are sought to be received are as under:

1. Western Money Union Transfer receipt dated 19.11.2002
2. Western Money Union Transfer receipt dated 07.02.2002
3. Letter dated 26.12.2007 issued by Western Union
4. Two boarding passes bearing Nos. 284 and 285
5. Receipt voucher for Rs.68,000/- dated 07.08.2003
6. Two flight confirmation slips of LW.1 and accused No.1
7. Cheque bearing No.1222
8. Cheque No.1711 dated 10.03.2003
9. Certificate of accused No.1 issued by Educational Committee for Foreign Medical Graduates
10. Bank statement of Sayeeha Khan S. Khan (Mother of LW1)
11. Cheque No.1577 dated 28.03.2004
12. Medical licence renewal instructions (2 sheets)
13. Cheque No. 2094 dated 14.05.2004
14. Bank Statement of Sayeeda Sl.Khan
15. Cheque No.1712 dated 28.05.2004
16. Cheque No.1837 dated 15.05.2004
17. Leave agreement dated 29.10.2004
18. Leave agreement dated 10.11.2005
19. Cheque No.1764 dated 06.02.2004
20. Cheque No.1840 dated 21.05.2004
21. Bank statement of Sayeeda S. Khan

22. Cheque No.1585 dated 15.04.2004
23. Bank Statement of Sayeeda S. Khan
24. Cheque No.1850 dated 18.06.2004
25. Copy of bank statement of Sayeeda S. Khan
26. Cheque No.1603 dated 18.08.2003
27. Deposit slip dated 18.08.2003
28. Bank statement of accused No.1 and LW1
29. Cheque No.1244 dated 26.06.2002
30. Receipt issued by U.S. Department of Justice
31. Cashier cheque dated 31.12.2002
32. Receipt dated 21.01.2003 issued by US Department of State National
33. Sponsoring forms (7 sheets)
34. 42 photographs showing different occasions of marriage and jahez articles etc.
35. Photographs belongs to accused No.1 and others (3 sheets)
36. Vehicles said to be given to accused No.1 by the parents of LW1 (5 sheets)
37. B duplicate challans paid by accused No.1 for violation of Traffic Rules in USA
38. D.V.C.No.165 of 2010 order dated 31.01.2012 by I MM Court, Hyderabad
39. C.C. containing the messages and phone conversations
40. Transcript of the above C.D.
41. Mail transaction copy accused No.1
42. Copy of the passport, residential permit of LW1

43.Main transmissions of accused No.1 (5 pages)

Questioning the jurisdiction and the applicability of Section 242 (3) Cr.P.C., the present petition is filed.

The learned Public Prosecutor submits that the said documents are relevant for just decision of the case and if the same are not taken on file it will cause grave prejudice to the prosecution. Section 242 (1) to 242 (3) Cr.P.C. reads as under:

**242. Evidence for prosecution.-** (1) If the accused refuses to plead or does not plead, or claims to be tried or the Magistrate does not convict the accused under section 241 the Magistrate shall fix a date for the examination of witnesses.

(2) The Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing.

(3) On the date so fixed, the Magistrate shall proceed to take all such evidence as may be produced in support of the prosecution:

Provided that the Magistrate may permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.

The provisions of Sections 242 (2) and 242 (3) Cr.P.C. amply makes it clear that on an application made by the prosecution, the Magistrate has power to summon any of the witnesses to attend or produce any thing or document and on the date fixed he can take all such evidence in support of the prosecution. Therefore, the argument of the counsel that the above mentioned documents cannot be permitted to be brought on record since they were not filed along with the charge sheet cannot be accepted. The relevancy or admissibility of the said

documents can be raised at an appropriate time. For the aforesaid reasons, I am of the view that there are no merits in the petition and the same is liable to be rejected.

Accordingly, the Criminal Petition is dismissed, with an observation that any documents which were taken on file are subject to its admissibility and relevancy.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

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**C.PRAVEEN KUMAR, J**

21.03.2014

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