

(2002) 04 JH CK 0013

Jharkhand High Court

Case No: Criminal M.P. No. 4848 of 2001

Dilip Kumar

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: April 11, 2002

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 311, 482

Hon'ble Judges: D.N. Prasad, J

Bench: Single Bench

Advocate: M.A. Khan, for the Appellant; Addl. P.P., for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

D.N. Prasad, J.

This application u/s 482 of the Code of Criminal Procedure (the Code) is directed against the Order dated 10th August, 2001, passed by the Sessions Judge, Lohardaga, in Criminal Revision No. 123 of 1997 affirming the Order dated 25.9.1997 passed by the Sub Divisional Judicial Magistrate, Lohardaga, in Complaint Case No. 75 of 1994 whereby and whereunder the learned Magistrate rejected the prayer of the petitioner for adducing document u/s 311 of the Code, in the said complaint case.

2. The learned counsel appearing on behalf of the petitioner submitted that admittedly the was an attachment of the property in respect of Certificate Case No. 15 of 1992-93 and the original order of attachment is with the petitioner now and it is an essential document to be exhibited for the ends of justice. It is further submitted that the learned Magistrate as well as the learned revisional Court submitted error in rejecting the prayer at the petitioner and for giving one chance for exhibiting the said document which is very important document for Just decision of the case. Learned counsel also submitted that he may be given one more chance

to get the said document i.e., the order of attachment in Certificate Case No 15 of 1992-93, be exhibited and thereafter there will be no delay in disposal of the case.

3. It appears that the order of attachment, said to have been important document from the side of the accused and he wants to get the same, exhibited for the ends of justice. In my view, it is pertinent in the interest of justice to get the said document exhibited by the learned Court below and the accused-petitioner may be given one more chance for adducing the said document exhibited in the case.

4. Thus I find merit in this application which is, accordingly, allowed and the order dated 10th August, 2001 including the order dated 25.9.1997 is hereby quashed. The learned trial Court is directed to give one more chance to the petitioner to adduce evidence for exhibiting the only document i.e. the order of attachment and no further time be allowed to the petitioner and get the case disposed of thereafter expeditiously.