

**IN THE COURT OF ADDL. DISTRICT AND SESSIONS JUDGE-XII,
MUZAFFARPUR
Session Trial No. 656/2013
ARISING OUT OF MINAPUR P.S. CASE NO. 324/2011**

Order dated 17.03.2023

1. Parties file pairvi. On call, Ld. Counsels of the parties appear. Two petitions dated 12.07.2022 and 14.03.2023 filed on behalf of the defence, pressed.
2. In the petition dated 12.07.2022 it is prayed that FIR, Chargesheet, cognizance order dated 05.03.2014 and deposition of informant and other injured witnesses be marked as Exhibits. In the petition dated 14.03.2023 it is prayed that Judgement passed by the Court of A.D.J.-XVIII, Muzaffarpur in S.Tr. No. 624/2014 and cognizance order dated 05.03.2014, FIR of Minapur P.S. Case No. 321/2011 dated 27.11.2011, FF of the GR No. 4309/2011 dated 28.01.2012, FF dated 14.10.2012, deposition, Bed head ticket of Fuldeo Mahto dated 18.11.2011, injury report of Fuldeo Mahto dated 27.01.2012 and C.T. Scan report of Fuldeo Mahto dated 17.11.2011 be marked exhibits.
3. Ld. Counsel pressing the petition submits that these are the documents which is essential for the proper adjudication of the matter and be exhibited. It is further submitted that al the documents are of the act of public officers in performance of public duty as such are the public documents u/s 174 of Indian Evidence Act,1872.
4. On behalf of the prosecution the petitions are opposed and it is submitted that the section 311 of Cr.P.C. is not to fill up the lacunae and this record is for the argument since long and the arguments have also been heard so at the fag end of the case such documents may not be taken on record and the petitions be rejected.
5. Hear ld. Counsels and perused the case record and I find first of all that petitions are vague and they do not mention that for what case they pertain. Further that the case is for the argument since 26.08.2022, the argument is also at the fag end of its completion. Also that deposition of another case cannot be taken and read either for corroboration or for substantive use in this case because the other side has not cross examined in this case. As such only document which Judgement passed by the Court of A.D.J.-XVIII, Muzaffarpur in S.Tr. No. 624/2014 which is later is taken on record and exhibited marked as D/1. With this both the petitions stand disposed of. Put up on 23.03.2023 for argument.

ADJ-XII
Muzaffarpur