

**ORDER ON APPLICATION UNDER SECTION 242(2) OF Cr.PC**

The Special Public Prosecutor has filed this application under section 242(2) of Cr.PC for seeking permission to produce the documents.

2. In the application it is contended that the during the investigation the investigating officer collected the photo copies of documents. The complainant undertaken to produce the original documents at the time of Trial and some documents are very necessary to prove their case. Therefore, he produce the said documents. The CW-2 to 5 are employees of the PW-1 company. During the cross examination the accused counsel denied the employment of CW-2 to 5. Therefore, to prove the case of the prosecution documents are necessary. Hence, he prayed to allow the application.

3. The advocate for accused filed objections to the application by denying the contents of application and contended that the application is not maintainable at this stage. Hence, he prayed to reject the application.

4. Heard both side. Perused the materials available on record.

5. The point that arises for the consideration of the court is as under;

**Point No.1:** Whether the application filed by the prosecution under section 242(2) of Cr.P.C., made out any grounds to allow?

**Point No.2:** What order?

6. My answer to the aforesaid points are as under:-

**Point No.1:-** In the Affirmative.

**Point No.2:-** As per the final order for the following.

### **REASONS**

7. **Point No.1 :** This case is arising out of the Police report by Rajajinagar Police Station. It is alleged that the accused No.1 and 2 were the employees of complainant/CW-1, who was the owner of Max Motors and CW-2 to 5 are the employees of CW-1. During the cross examination of PW-1 the Advocate for accused denied the employment of accused and witnesses. Therefore, the prosecution has produced the documents relating to the employment of accused and CW-2 to 5. The said documents are not new documents. Regarding the

said documents already mentioned in the charge sheet. In order to prove the case of prosecution, the prosecution is at liberty to produce necessary documents at any stage. The Court has to given an opportunity to the prosecution to prove his case. Hence, application is made out grounds to allow. Hence, I answered Point No.1 in the affirmative.

8. **Point No.2**: As discussed above, I proceed to pass the following:-

**ORDER**

The application filed by the prosecution under section 242(3) is hereby allowed.

The prosecution is permitted to produce the documents as per list produced.

(Dictated to Stenographer, transcribed by him on computer, corrected and then pronounced by me in the open Court on this the 10<sup>th</sup> day of July, 2024).

III ACMM, Bengaluru.