

**ORDER ON APPLICATION FILED U/SEC.230 OF CR.P.C.**

This application is filed under the above provision by the learned Public Prosecutor seeking permission to produce documents listed in it. It is contested by the accused through LADC by filing his written objections. I have heard learned Public Prosecutor for the State and LADC on the same. Perused the file.

2. In this case the accused is charge sheeted for the offences punishable U/Secs.363, 376(n) & 506 of IPC. Already the trial has commenced and three witnesses have been examined by the prosecution, still the accused has not cross examined them and when the matter was adjourned for cross examination of PW.1 to 3, the prosecution came up with this application seeking permission to produce the documents i.e., copy of judgment in MC 111/2023 decided by the Prl. Family Court, Chikkamagaluru between PW.2 and the accused and connected documents pertaining to that case, copies of FIRs in Chikkamagaluru Rural Police Station Cr.No.240/2023 & Chikkamagaluru Rural Police Station Cr.No.309/2022 as well as Chikkamagaluru Rural Police Station Cr.No.86/2024 stating that after filing of this case, still the accused and family of the victim are

in logger heads, it submits that the said documents have got their own relevance to the case in hand, so it prays to permit it to produce them.

3. On the other hand the accused contended that the said documents have no relevance to the case in hand and unnecessarily by filing this application, the prosecution is expanding horizon of its case and trying to fill up the lacuna, which is legally impermissible and prosecution cannot be permitted to produce such documents once the trial is commenced.

4. I have carefully gone through the submissions canvassed by both side and the case file. It is the precise allegation of the prosecution that this accused kidnapped PW.2 though knowing fully well that she is already married and having taken her to Tamil Nadu, he confined her in a house in a remote village and committed rape on her repeatedly till a missing complaint was filed by her parents and her whereabouts were traced by the said police. Thus in order to substantiate the said allegation prosecution seeks to produce the documents which would throw light on the so called relationship between the victim and the accused.

5. According to me mere production of documents or marking of them on behalf of

prosecution will not prove their credibility or authenticity. It is always open to the accused to cross examine the prosecution witnesses on the relevancy of the said documents and also the genuinity of their contents. So holding that there is no substance in the submission of the accused in opposing for production of said documents, I proceed to make the following:

**ORDER**

Application filed by the learned Public Prosecutor U/Sec.230 of Cr.P.C. is allowed.

The prosecution is permitted to produce the said documents subject to condition that, it shall furnish copies of the said documents to the accused.

**It is also clarified that the said documents would be received in evidence provided, if they are true copies or certified copies.**

Prl. District & Sessions Judge,  
Chitradurga.