

**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL
JUDGE & J.M.F.C., AT PUTTUR**

: PRESENT :

**Devaraj Y.H., B.A.L., L.L.B,
Additional Senior Civil Judge & JMFC.,
Puttur, D.K.**

**DATED THIS THE 6th DAY OF OCTOBER, 2025
:: C.C./499/2023::**

State through Puttur Rural Police Station

Complainant

V/S.

ACCUSED

Shri. Arun Kumar and others

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**ORDERS PASSED ON THE APPLICATION FILED BY
THE PROSECUTION UNDER SECTION 242 (3) OF
CR.P.C.**

This application is filed by the learned APP and prays to permit them to produce the documents i.e., CD's, certificate issued under Sec. 65(B) of Evidence Act, certified copy of complaint given by accused no.3, certified copy of the FIR and certified copy of the B-report submitted by investigating officer pertaining to Cr.No.89/2023 of Puttur Rural Police Station.

2. In the application it is stated that the offence which is committed by the accused persons were recorded in the CC TV which was installed out side the house of CW-1, as such the footages contains CD,

certificate pertaining to the said CD issued under Sec.65(B) of Indian Evidence Act and the particulars with respect to case registered against the CW-1 on the investigation of accused no.1 by the accused no.3 as well the final report submitted with respect to the said case are relevant to prove the guilt of the accused persons hence the said documents are produced in this case. It is stated that in order to adjudicate the relevant matter for consideration, the documents which now the prosecution intends to produce are essential hence prays to permit the prosecution to produce the documents which are annexed with the application.

3. Counsel for the accused persons filed objections stating that the application filed by the prosecution intend to produce the document is an after thought and the documents have not produced at the time of the investigation as such they are not part of the investigation, hence the said documents can not be taken on record at this stage. It is stated that the documents which now the prosecution intends to produce are not at all required for adjudication of this case. Hence prays to dismiss the application.

4. Perused the application, objection and other relevant material particulars available on record. Below mentioned points arisen for my consideration.,

POINTS

1) Whether the prosecution made out grounds to consider the application and grant the relief as prayed for?

2) What order?

5. Heard the learned APP and learned counsel for the accused on the application. Perused the application, objections and other relevant material particulars available on record. My findings to the above points is as hereunder.,

Point No.1: In partly Affirmative

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

REASONS

6. **Point No.1:** This application is filed by the prosecution to produce the documents i.e., CD's, certificate issued under Sec. 65(B) of Evidence Act, certified copy of complaint given by accused no.3, certified copy of the FIR and certified copy of the B report submitted by investigating officer pertaining to Cr.No.89/2023 of Puttur Rural Police Station which are

annexed with the application. On perusal of the charge sheet, the Puttur Rural Police have made accusation against the accused persons for the offence punishable under Section 447, 504, 506, 323, 354 r/w Sec.34 of IPC.

7. Gone through with the documents which prosecution intends to produce in this case. On perusal of the documents it reflects the CD's and the certificate which the prosecution intends to produce is relevant to be considered to decide the fact in issue. They are the vital documents to the prosecution to prove that the guilt of the accused persons as per the narration made in the charge sheet, as such this Court opines that permission has to be accorded to the prosecution to produce the said documents. Further the rest of the documents ie., particulars with respect to Cr. No.89/2023 which was registered on the file of Puttur Rural Police Station was the documents which were came to existence after filing of the charge sheet in this case and they are not relevant documents to be considered to adjudicate the facts in issue . Hence the said documents can not be taken on record as prayed by the prosecution.

8. If the prosecution permitted to produce the documents ie., CD's and the certificate issued under Sec.65(B) of Indian Evidence Act, it is not going to cause any hardship or injury to the accused persons. Further opportunity is with the accused persons to dispute the

credibility of the said documents which the prosecution intends to produce in this case in the cross examination of the prosecution witnesses. Prosecution has made out grounds to consider the application in part and grant the relief as prayed for. With all these discussion, I proceed to answer Point No.1 partly in Affirmative.

9. **Point No.2**: For the reasons as discussed above in Point No.1, I proceed to pass the following.,

ORDER

Application filed by the prosecution under Section 242(3) of Cr.P.C. is partly allowed.

Learned APP is permitted to produce two CD and the certificate issued under Sec.65(B) of Indian Evidence Act which are annexed with the application.

Production of rest of the documents which are annexed with the application is hereby rejected.

[Dictated to the stenographer directly on computer and typed by her and the same is corrected and then pronounced by me in the open court on this 6th day of October, 2025]

[Devaraj. Y.H.]
Addl. Sr. Civil Judge & JMFC
Puttur.