

KAMD400001712017



**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC.,
MALAVALLI.**

Present : Sri. Mahendra. M., B.A., L.L.B.,
Senior Civil Judge and J.M.F.C,
Malavalli.

Dated : This 3rd day of November - 2025

CC. No. 55/2017

Complainant : **State by**
 Halaguru Police Station

(R/by Learned APP)

V/s

Accused : **Devaraju**
 S/o Channaiah
 aged about 34 years,
 R/at 5th Cross, Ambedkar Nagara,
 Sathanuru Road,
 Channapatna Town,
 Ramanagara District.

(By Sri. D.M.M., Advocate)

I	<i>Provision under which the application is filed</i>	<i>Under Order 242(2) of Cr.P.C</i>
II	<i>Relief sought for</i>	<i>Permit to production of Documents</i>

III	<i>The date on which the application is filed</i>	<i>05.03.2024</i>
IV	<i>Number of the application</i>	<i>Nil</i>
V	<i>The date on which the objection are filed by deferent opponents</i>	<i>10.10.2025</i>
VI	<i>The date on which the orders were passed on the said application</i>	<i>03.11.2025</i>

**(Sri. Mahendra M.)
Senior Civil Judge & JMFC.,
Malavalli.**

**ORDERS ON APPLICATION UNDER SECTION 242(2)
OF Cr.P.C**

The learned App has filed this application U/s 242(2) of Cr.P.C., permit to production of documents in respect of alleged offenses.

2. The learned APP filed present application and submitted that, the case is set down for evidence of CW1. The proposed documents are very much necessary to prove the prosecution case. If this application is allowed, no injustice caused to the other side. On the other hand, this application is not allowed, the prosecution will be put to irreparable loss and injury which cannot be

compensated. By over sight, the proposed documents are not produced along with the charge sheet. **Hence it is prayed to allow the application.**

3. The learned counsel for the accused has filed an objection to application and contended that, the application filed by the learned APP on behalf of prosecution is not maintainable either in law or on facts the same is liable to be dismissed in limine. The case is set down for cross examination of PW1. Only during the proceedings, the learned APP has filed present application. **Hence prays to dismiss the application.**

4. Heard the arguments on both sides and perused the records.

5. The following points are arise for my consideration

POINTS

1. Whether the application is deserves to be allowed?

2. What order?

6. My answers to the above points are as follows.

POINT NO.1 : In the Affirmative

**POINT NO.2 : As per final Order
for the following:**

REASONS

7. **POINT NO.1 :** The charge sheet is filed against the accused for the offenses punishable U/s 504, 324 and 326 of I.P.C. The trial was commenced. The CW1 examined as PW1 on 17.01.2024. At the time of chief examination of PW1, the learned APP has filed present application along with X-rays. The accused has opposed the same. Hence, further chief examination of PW1 was deferred.

8. This court has let us discuss about **Section 242 of Cr.P.C.** The said provision reads like this:

1) If the accused refuses to plead or does not plead, or claims to be tried or the Magistrate does not convict the accused under section 241 the Magistrate shall fix a date for the examination of witnesses.

Provided that the Magistrate shall supply in advance to the accused, the statement of witnesses recorded during investigation by the police.

2) The Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing,

3) On the date so fixed, the Magistrate shall proceed to take all such evidence as may be produced in support of the prosecution.

9. This court has relied upon the decision of **Hon'ble High Court of Karnataka** reported in **2018 ALL MR(Crl) JOURNAL 497** between **B.L.Udaykumar and others V/s State of Karnataka**. In this decision held that, **"Sub-Section 3 of 242 of Cr.P.C is unmistakable terms confers power on the magistrate to take all such evidence as may be produced in support of the prosecution. It is a stand alone provision. It is not controlled by Section 173 of the Code much less by Sub-section 8 thereof. It operates on a totally different field. Section 173(8) of the Code confers a statutory right on the police officer, in the event of availability of evidence bearing on the guilt of the accused, to conduct further investigation. As held in the above**

decision, it is no longer res integra that, a magistrate, if exigent to do so, to espouse the cause of justice, can trigger further investigation even after a final report is submitted under Section 173(8) of the Code. This section, therefore, cannot be construed to mean that prosecution is debarred from producing additional evidence in support its case during trial as canvased by the learned counsel for the petitioners. In my view, the language of section 242(3) of the Code is wide enough to invest power in the magistrate to take all the evidence produced by the prosecution in support of its case.”

10. As per above provision and above decision of Hon’ble High Court of Karnataka, the application filed by the prosecution is deserves to be allowed. The learned APP has produced X-rays along with present application. The present application is allowed, no injustice caused to the accused. On the other hand, the application is not allowed, the prosecution will be put to irreparable loss and injury which cannot be compensated. Hence by considerably all

these aspects, I am of the opinion that application is deserves to be allowed. Accordingly, I answer this point is in the **affirmative**.

11. **POINT No.2:-** For the aforesaid discussion on point No.1, this Court proceeds to pass the following:

O R D E R

The application filed by the learned APP U/s 242(2) of Cr.P.C., is hereby allowed.

No order as to cost.

The documents are produced by the prosecution are taken on record.

(Dictated to the Stenographer and directly typed by her on the computer, order corrected and then pronounced by me in the open Court on this the **3rd day of November 2025**)

**(MAHENDRA M.)
Senior Civil Judge & JMFC.,
Malavalli.**