

KABI410050882019



IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC., HOSAPETE

PRESENT

SRI. PRASHANTH NAGALAPUR

B.B.A., LL.B (Hon's)

Prncipal Civil Judge & JMFC., HOSAPETE

Dated this the 02nd day of April, 2025

C.C.No.2607 / 2019

COMPLAINANT :-

S.Guru Sharan Singh son of late H.Har Charan Singh Juneja, Aged 44 years, Business and Transporter, R/o Juneja House, Opp. Kamala Apartment, Nehru Colony, Hosapete 583203.

(By Sri S.Ranjeet Singh Juneja, Advocate)

- V e r s u s -

ACCUSED :-

D.Venkatesh, Aged 45 years, Civil Contractor, resident of Door No.131, Panduranga Gudi, Ananthasayana Gudi, Hosapete 583201.

(By Sri R.N.B., Advocate)

ORDER

1. The accused has filed the present application titled as "application objecting to the fraudulently obtained certified copy of the account statement of the accused by the complainant".
2. The accused has alleged that the complainant has fraudulently obtained certified copy of the statement of his bank account, which was neither marked nor exhibited in the present case, from this Court. He has further alleged that the photocopy of the statement of account did not meet the requirements for admissibility of document under the Evidence Act and therefore, certified copy of the same should not have been issued in favour of the complainant. He has further alleged that the complainant has obtained the certified copy of the photocopy of account statement and made use of the same in SC No.9/2022 on the file of the Court of the Hon'ble Additional Senior Civil Judge, Hosapete and got it marked as Ex.P.6 in evidence on 19.07.2024. He has further alleged that the complainant has created false impression about the authenticity of the document and undermined the defence of the accused. He has further alleged that the photocopy of the statement of account does not qualify for certification under the law. He has further contended that the complainant has violated the procedural

safeguards and fair trial principles guaranteed under Article 21 of the Constitution of India. He has alleged that the complainant has fraudulently obtained certified copies of the photocopy of the statement of account and produced the same before another Court and got it marked in evidence. Therefore, the accused has sought an order to take cognizance of the fraudulent act committed by the complainant, declare the certified copy as null and void and inadmissible in evidence, direct the complainant to refrain from using certified copies of unmarked and inadmissible documents in any other judicial proceedings, including SC 9/2022 and any other orders.

3. The complainant has filed objections to the said application. He has contended that the law does not require a document to be marked in evidence in order to issue certified copy of the same. He has further contended that the certified copy is obtained by him from the Court and the same does not amount to any fraudulent act. He has further contended that the statement of account admittedly belongs to the bank account of the accused and therefore, the question of authenticity of the said document need not be taken into consideration. He has further contended that he has not caused any prejudice to the accused by producing the said document in other proceedings. He has

further contended that the accused has been causing delay in the present case and misleading the Court in one or the other way. He has further contended that the application filed by the accused is liable to be dismissed with costs.

4. I have heard the counsel for accused and complainant and perused the material available on record.
5. The following points arise for determination.
 - 1) Whether the act of the complainant obtaining certified copy of the document from this Court can be termed as fraudulent act ?
 - 2) Whether this Court can declare the certified copy issued by it to be null and void, and not admissible in evidence ?
 - 3) What order ?
6. My answer to the above points are as under :-

Point No.1 & 2 .. In the Negative

Point No.3 .. As per final order, for the following :-

REASONS

7. **POINT No.1 & 2** :- The accused has produced the photocopy of the Ex.P.6 i.e., statement of account marked in SC 9/2022 in the Court of Hon'ble Additional Senior Civil Judge, Hosapete on 19.07.2023 in the evidence of complainant herein, who is the plaintiff in the said case.

The said document is allegedly obtained by the complainant from this Court by playing fraud. The counsel for accused contends that the said document does not have any authenticity and the same is not admissible in evidence. On the other hand, the complainant contends that the document has been obtained from this Court following the procedure and therefore, the same does not amount any fraudulent act and the document cannot be held inadmissible in evidence.

8. As per the material available on record, the statement of account of the accused was produced before the Court by the Manager, Indian Bank, Hosapete branch on 31.07.2019 as per the order of the Court. The complainant herein had also produced copy of the statement of the account of the accused before this Court on 28.11.2018. The document which is marked as Ex.P.6 in SC 9/2022 is the certified copy of the statement of account produced by the complainant on 28.11.2018 before this Court. Admittedly, the said document is not marked in evidence in the present case. The said document is not exhibited on behalf of any of the parties in the present case. However, whether copy of the photocopy of the document can be issued or not is the question that arises for consideration.

9. Admittedly the document was on record in the present case. The complainant filed an application for copy of the said document in accordance with law. This Court allowed the application and issued certified copy to the complainant. I do not see any fraudulent act committed by the complainant in obtaining certified copy of a document which was very much available on the record. The accused cannot make allegations of fraud against the complainant in my opinion. The contention of the accused that the document was fraudulently obtained cannot be sustained.
10. The existing laws do not prohibit issuance of certified copies of the documents which are on record, whether they are marked or not. No law prescribes that certified copies of exhibited documents alone can be issued. Such being the case, the contention taken by the accused that copy should not have been issued in favour of the complainant, of the document which was not marked in evidence, cannot be sustained.
11. The certified copy of the document is produced before another Court in evidence and marked in evidence as per the averments of the application. The complainant admit the said fact. It is to be noted that the Court marking the document ought to have decided whether the document is admissible in evidence or not. This Court cannot decide

the admissibility of the document which is produced before another court and marked in evidence. This Court cannot declare that a document produced before another Court is null and void and not admissible in evidence. The very prayer of the accused seeking such declaration is unknown to law. The present application cannot be allowed in my opinion.

12. No doubt, copy of a document which was available on the file of this Court has been issued on an application filed by the complainant and the said copy is marked in evidence. Whether the contents of the said documents are to be looked into or not is the question to be determined by the Court which marked the document and not by this Court. The arguments advanced by the counsel for accused that this Court issued the copy and therefore, this court has to decide whether the document is admissible in evidence or not cannot be sustained. This Court has no power to either declare a document to be admissible or inadmissible in a proceeding before another Court in my opinion. Therefore, the present application is devoid of merits and same is liable to be dismissed. **Hence, I answer Point No.1 & 2 in the Negative.**

13. **POINT No.3** :- In view of the foregoing reasons, I pass the following

ORDER

The application filed by the accused seeking an order to declare the certified copy of the document issued by this Court as null and void and not admissible in evidence is hereby dismissed.

[Dictated to the stenographer directly to the computer, corrected by me in computer, and then, pronounced by me in the open Court this the 02nd day of April, 2025]

[Prashanth Nagalapur]
Principal Civil Judge & JMFC, Hosapete .