

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,
CHENGANNUR**

Present: - Smt.Anupama S. Pillai, Judicial First Class Magistrate-I

Dated this, the 10th day of December, 2024.

CMP.4341/2024 in CC.1218/2014

Petitioner/Accused : Satheesh Varma, Vadayathu Thekke Kovilathu
House, Oripram Muri, Chennithala Village.

[By Adv.S.Sreejith]

Counter Petitioner : State of Kerala represented by S.H.O.,
Mannar P.S, in Crime No.550/2009.

[By APP-1, Chengannur]

Section of law : U/S.311 of CrPC.

This Criminal Miscellaneous Petition coming on this day for consideration,
the Court passed the following: -

ORDER

1. This is a petition filed for marking the documents into evidence. The documents are the certified copies of the judgments in OS.323/2010 before the Hon'ble Sub Court, Mavelikara. The petition is filed U/S.311 to reopen the evidence.
2. The prosecution objected the application on the ground that the documents are not relevant to the fact in issue before this Court in the case on hand. Sec.40 to 44 of the Evidence Act deals with the relevancy of judgments in one case when applicable to the other case. Hence, the petition is liable to be dismissed.

3. It must be noted that when the case was posted for defence evidence, the accused produced both these documents to tender it into evidence. Since no prayer was made by the counsel concerned, this Court directed the counsel to file an application to tender into evidence. But despite sufficient adjournments being given, the accused has not complied with the same. Thus, the evidence was closed.

4. Though the accused filed the present petition at the time of hearing, having regard to the fact that the documents were produced at the time of evidence itself, I am of the view that evidence can be reopened to do justice to the accused on that point. Further, marking does not mean the admissibility of the document. The probative value has to be determined at the time of judgment only. Hence, the said contention would fail. Hence, for the reasons stated above, the petition is allowed by admitting the documents into evidence of the accused, by marking the same as Exts.D1 and D2.

Dated this the 10th day of December, 2024.

Sd/-
Judicial First Class Magistrate-I
Chengannur