

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 1211 of 2022**

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HIMMATBHAI KARAMSHIBHAI CHANDPARA

Versus

PANKAJBHAI POPATBHAI LATHIYA

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1
for the Respondent(s) No. 1

MS. ASMITA PATEL, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE UMESH A. TRIVEDI**Date : 21/12/2022****ORAL ORDER**

Heard Mr. Ashish M. Dagli, learned advocate for the petitioner.

Challenge in this revision application is to the order dated 23.08.2022 passed by the 09th Additional Chief Judicial Magistrate, Surat below Exhibit - 58, whereby a request made by the respondent - accused to recall the complainant for the purpose of cross examining him, as subsequent to the cross examination of the complainant was over, he produced document Exhibit -52, which came to be allowed.

Mr. Ashish Dagli, learned advocate for the petitioner - complainant submitted that document Exhibit -52 is nothing but a written statement filed by the respondent - accused in a Special Civil Suit No.143 of 2017 filed by the petitioner - complainant for a specific performance of an Agreement. Therefore, he has submitted that it being a public document, production of certified copy is proof of contents of the public document and therefore, it can be produced

and considered by the Court at any time before the judgment is pronounced. At any rate, according to his submission, it has been produced and exhibited prior to evidence of the complainant is closed and right to lead evidence by the accused is yet to come.

Hence, **NOTICE** returnable on **02nd February, 2023**. Learned APP Ms. Asmita Patel, waives service of notice for and on behalf of the respondent – State.

Learned advocate for the petitioner – complainant seeks permission to produce on record certain relevant documents.

Registry is directed to accept the same as and when filed, and replace the same in the file.

(UMESH A. TRIVEDI, J)

Lalji Desai