

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 4424/2017

Madan Lal S/o Likhma Ram, By Caste Kumawat, Resident Of
Nimaz, P.s. Jaitaran, District Pali Raj.

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Vineet Jain Sr. Advocate assisted by Mr. Harshvardhan
For Respondent(s)	:	Mr. Sameer Pareek, AGA

HON'BLE MR. JUSTICE FARJAND ALI

ORDER

DATE OF CONCLUSION OF ARGUMENTS	18/05/2026
DATE ON WHICH ORDER IS RESERVED	18/05/2026
FULL ORDER OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	12/06/2026

REPORTABLE

BY THE COURT:-

1. The instant Criminal Misc. Petition has been preferred by the petitioner under Section 482 Cr.P.C. against the order dated 06.09.2017 passed by the learned ACJM, Jaitaran District Pali in Criminal Regular Case No.187/2017 whereby the petitioner's application under Section 294 Cr.P.C. was rejected.
2. The factual matrix giving rise to the present petition, shorn of unnecessary details, is that an FIR came to be lodged on 07.02.2017 by the complainant, Rampal, alleging a concerted conspiracy on the part of the accused persons to usurp certain immovable properties situated in Village Nimaz. The complainant asserted that his father, Amra Ram, was the holder of a residential

plot duly allotted by the Gram Panchayat through a patta bearing No.22 dated 19.12.1964. It was further alleged that the complainant had also acquired another plot from one Binjaram, upon which three shops had been constructed, and that a separate patta in favour of the said Binjaram had been issued by the Gram Panchayat on 12.10.2016.

2.1 According to the allegations set forth in the FIR, the accused persons, namely Madanlal, Likhma Ram and Chandra Ram, with the object of appropriating the aforesaid properties, entered into a criminal conspiracy and, in collusion with the functionaries of the Gram Panchayat, fabricated and manipulated official records pertaining to the year 1974-75. It was alleged that a file bearing No.10(74-75) was prepared showing a fictitious transaction whereby the land in question was purportedly purchased from Amra Ram. On the strength of such proceedings, a patta bearing No.5/70 dated 05.01.1975 was allegedly issued in favour of Madanlal. The complainant further alleged that the said document reflected the name of his father, Amra Ram, as a witness and bore signatures purportedly attributed to him. It was also asserted that the patta did not contain the signatures of the competent Panchayat authorities, including the Sarpanch, Up-Sarpanch or Gram Sevak.

2.2 The complainant further averred that under the guise of the aforesaid patta, the accused persons occupied the land belonging to his father. It was alleged that disputes subsequently arose regarding the property and, in order to fortify their claim, the

accused persons procured yet another patta through collusion with the Gram Panchayat authorities. It was also alleged that while the patta originally stood in the sole name of Madanlal, the name of Chandra Ram was subsequently inserted therein in handwriting. Reference was further made to a note dated 23.03.1984 recorded by the Executive Officer, Nimaz, indicating that the relevant pattas appeared to be irregular and unauthenticated as they did not bear the signatures of the competent authorities. On the basis of these allegations, offences punishable under Sections 420, 467, 468 and other allied provisions of the Indian Penal Code were alleged against the accused persons, including the present petitioner.

2.3 Pursuant to registration of the FIR, investigation was undertaken by the police and, upon culmination thereof, a charge-sheet came to be filed against the petitioner. Aggrieved by the manner in which the investigation had proceeded, it was contended on behalf of the petitioner that the investigating agency had failed to consider material documents and circumstances favourable to the defence and had proceeded to submit the charge-sheet without taking into account relevant public records and judicial proceedings having a direct bearing on the controversy.

2.4 During the pendency of the proceedings before the trial Court, the petitioner moved an application under Section 294 Cr.P.C. praying that certain documents, being certified copies of public records and proceedings conducted before various competent forums, which had either not been collected during

investigation or had not been forwarded along with the police report under Section 173(2) Cr.P.C., be taken on record for the purposes of admission and denial. The prosecution opposed the said application, contending that at the stage preceding the framing of charge, the documents sought to be relied upon by the accused could not be considered.

2.5 The learned trial Court, upon hearing the submissions, rejected the aforesaid application vide order dated 06.09.2017, holding that there existed no provision enabling the Court to take on record documents produced by the accused at the stage of consideration of charge and that such documents could only be brought on record in accordance with law during the course of trial, including through cross-examination of prosecution witnesses. Assailing the said order, the petitioner has preferred the present Misc. Petition invoking the inherent jurisdiction of this Court.

3. I have bestowed my anxious consideration to the submissions advanced at the Bar and have carefully perused the impugned order as well as the material available on record.

4. The controversy arising in the present petition is narrow in compass, yet it raises an issue of considerable significance concerning the procedural architecture of criminal jurisprudence. The petitioner, against whom criminal proceedings are pending, sought permission to place on record certain documents comprising certified copies of judicial proceedings, notices, orders and other public records, coupled with a prayer that the

prosecution be directed to admit or deny their genuineness in exercise of powers under Section 294 of the Cr.P.C.

4.1 The learned trial Court declined the request on the premise that the Cr.P.C. does not envisage consideration of documents produced by an accused prior to the stage of defence and that such documents could only be introduced after commencement of trial. The correctness of the said view falls for determination in the present proceedings.

5. To appreciate the controversy, it would be apposite to reproduce Section 294 Cr.P.C., which reads thus:-

“294. No formal proof of certain documents.

(1) Where any document is filed before any Court by the prosecution or the accused, the particulars of every such document shall be included in a list and the prosecution or the accused, as the case may be, or the pleader for the prosecution or the accused, if any, shall be called upon to admit or deny the genuineness of each such document.

(2) The list of documents shall be in such form as may be prescribed by the State Government.

(3) Where the genuineness of any document is not disputed, such document may be read in evidence in any inquiry, trial or other proceeding under this Code without proof of the signature of the person by whom it purports to be signed:

Provided that the Court may, in its discretion, require such signature to be proved.”

5.1 A plain reading of the provision leaves little room for interpretative doubt. The Legislature has consciously employed the expression, **“where any document is filed before any Court by the prosecution or the accused.”** The language is plain, comprehensive and unqualified. It neither restricts the operation of the provision to documents produced by the

prosecution nor postpones the accused's entitlement to invoke the procedure until a particular stage of the proceedings. By expressly incorporating the words "or the accused", the Legislature has unequivocally recognised the right of either party to place documents before the Court and seek admission or denial of their genuineness.

6. It is a settled canon of statutory interpretation that every expression employed by the Legislature must be assigned its due meaning and no part of a statutory provision can be rendered otiose by judicial interpretation. Courts are not at liberty to either add words which the Legislature has deliberately omitted or ignore words which it has consciously incorporated. An interpretation that renders any portion of the enactment redundant is plainly impermissible.

6.1 Tested on the touchstone of this principle, the reasoning adopted by the learned trial Court cannot be sustained. Acceptance of the view that an accused is precluded from invoking Section 294 Cr.P.C. before commencement of defence evidence would virtually obliterate the words "or the accused" occurring in the provision. Such a construction would not merely depart from the plain language of the statute but would also frustrate the legislative intent underlying its enactment.

6.2 The placement of Section 294 of Cr.P.C. within the scheme of the Code fortifies this conclusion. The provision finds place amongst the general provisions governing inquiries and trials and precedes the evidentiary stages contemplated under the Code.

Although the location of a statutory provision is not by itself determinative, it nevertheless furnishes a valuable guide in discerning legislative intent. The arrangement of provisions within a statute ordinarily reflects a deliberate legislative design and cannot be regarded as accidental.

6.3 The position of Section 294 of Cr.P.C. indicates that the Legislature intended the exercise of admission or denial to precede the recording of evidence, thereby enabling the Court to identify, at the very threshold, the extent of consensus and controversy between the parties. The purpose is not to evaluate the evidentiary worth of the documents but merely to ascertain whether their genuineness is disputed. Such an exercise narrows the area of controversy and equips the Court to proceed with greater clarity and procedural efficiency.

6.4 Criminal trials frequently suffer avoidable delays owing to the insistence upon formal proof of documents whose authenticity is never questioned. The underlying rationale is equally apparent. Judicial time ought not to be expended in proving matters which are not genuinely in dispute. Section 294 of the Cr.P.C embodies a legislative response to this practical difficulty by dispensing with unnecessary formal proof wherever genuineness stands admitted. The provision is, therefore, founded upon the salutary principle that judicial adjudication should be confined to disputed questions and should not be burdened with proving what is already accepted.

6.5 The significance of this mechanism assumes greater importance at the stage preceding trial. Identification of admitted and disputed documents enables the Court to perceive the true contours of the controversy before embarking upon the evidentiary exercise. Such an approach advances procedural economy, promotes expedition and facilitates a more focused adjudication. Any interpretation postponing the operation of Section 294 of Cr.P.C until the stage of defence evidence would substantially impair its efficacy and defeat the very object sought to be achieved by the Legislature.

7. The philosophy underlying Section 294 Cr.P.C. bears close affinity to the principle embodied in Order XII of the Code of Civil Procedure relating to admissions. Although civil and criminal proceedings operate in distinct spheres, both provisions rest upon a common jurisprudential foundation, that the judicial process ought not to be burdened with establishing facts or documents whose authenticity is not in dispute. Admission or denial is not an empty procedural formality. It constitutes a valuable judicial tool intended to identify, at the earliest possible stage, the precise area of controversy requiring adjudication. The process thus advances the larger objective of securing an efficient, focused and meaningful administration of justice.

8. The legislative philosophy underlying Section 294 Cr.P.C. also finds expression in Section 58 of the Indian Evidence Act, 1872, which embodies the salutary principle that facts admitted need not be proved. The provision reads as under:-

"58. Facts admitted need not be proved.— No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which before the hearing they agree to admit by any writing under their hands:

Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions."

8.1 The principle embodied therein is neither procedural nor technical in nature; rather, it is founded upon sound judicial policy. Section 294 Cr.P.C. is a statutory manifestation of the very same principle within the framework of criminal procedure. While Section 58 of Indian Evidence Act dispenses with proof of admitted facts, Section 294 of Cr.P.C. provides the procedural mechanism for identifying documents whose genuineness is either admitted or disputed, thereby obviating unnecessary proof wherever the parties are at consensus. Viewed in this perspective, the exercise contemplated under Section 294 of Cr.P.C assumes significance even before the commencement of evidence.

8.2 The importance of this exercise becomes even more evident when viewed alongside the process of framing issues in civil proceedings and framing of charge in criminal trials. Under the Code of Civil Procedure, issues are framed after examining the pleadings and admissions of the parties so that the Court may identify the material propositions of fact and law upon which they are at variance. The entire adjudicatory process thereafter revolves around those identified issues. Though criminal proceedings follow a different procedural framework, the

underlying objective remains substantially the same. A charge framed by the criminal Court serves to crystallise the accusation which the prosecution proposes to establish and delineates the precise factual controversy which the accused is required to answer. Just as framing of issues narrows the field of dispute in civil litigation, framing of charge defines the scope of inquiry in a criminal trial. In both situations, the endeavour of law is to identify, at the earliest possible stage, the real controversy so that the subsequent proceedings remain confined to matters genuinely requiring adjudication.

8.3 At the stage of admission or denial, the Court is not called upon to examine the truthfulness of the contents of the document, determine its evidentiary value or assess its probative worth. Those questions arise only at the appropriate stage of appreciation of evidence. The enquiry under Section 294 is confined to one aspect alone, whether the genuineness of the document is admitted or disputed. If admitted, formal proof becomes unnecessary; if denied, the party relying upon the document must establish it in accordance with law. Consequently, permitting a document to be placed on record for the limited purpose contemplated under Section 294 neither prejudices the rights of either party nor amounts to adjudication upon its evidentiary admissibility.

9. The same jurisprudential approach finds reflection in the doctrine of ***factum probandum***, which denotes the principal facts in issue that constitute the foundation of the dispute and upon

which the burden of proof ultimately rests. The statutory scheme embodied in Section 294 Cr.P.C. is entirely consistent with this doctrine.

10. Reverting to the facts of the present case, the documents sought to be placed on record by the petitioner are stated to comprise certified copies of judicial proceedings, notices, orders and other public records. These are not private documents of uncertain origin; rather, they emanate from judicial and public authorities and carry a presumption of authenticity to the extent recognised by law. Whether they ultimately advance the defence of the petitioner, whether they are admissible in evidence, or what evidentiary value they deserve, are all questions which necessarily fall for determination at the appropriate stage of the proceedings. At the present stage, however, the Court is concerned with none of those questions. The limited prayer made by the petitioner was merely to invoke the procedure contemplated under Section 294 Cr.P.C. by requiring the prosecution to admit or deny the genuineness of the documents sought to be relied upon. Such an exercise neither amounts to appreciation of evidence nor results in adjudication upon the rights of either party. It is only a procedural step intended to facilitate the subsequent course of the proceedings by identifying documents whose genuineness is admitted and those which require formal proof.

10.1 The reasoning adopted by the learned trial Court proceeds on the assumption that every document produced by an accused can be brought on record only at the stage of defence evidence. Such

an approach, in the considered opinion of this Court, overlooks the distinction between proving a document and placing it before the Court for the limited purpose of admission or denial under Section 294 Cr.P.C. The latter exercise neither postpones nor prejudices the evidentiary determination which may arise at a later stage. It merely enables the Court to ascertain whether formal proof would at all be necessary.

10.2 The provision itself does not postpone its operation until the defence stage, nor can such a restriction be imported by judicial interpretation. It must also be borne in mind that procedural law is designed to facilitate justice and not to obstruct its course. Procedural prescriptions are intended to advance the cause of fair adjudication by streamlining the process of trial. An interpretation that promotes the object of the enactment must invariably receive preference over one that introduces unwarranted restrictions unsupported by the statutory language. To deny the accused the benefit of Section 294 Cr.P.C. despite the express words employed by the Legislature would amount to reading into the provision a limitation which the statute itself does not contemplate.

10.3 The submission that permitting the accused to file documents at this stage would enable him to introduce his defence prematurely also deserves to be rejected. The filing of a document for the purpose of admission or denial neither establishes the truth of its contents nor compels the Court to rely upon it. The evidentiary worth, admissibility and legal effect of every document

continue to remain open for examination at the appropriate stage in accordance with law.

10.4 Since the exercise contemplated is confined to securing admission or denial of the genuineness of documents, either party, whether the prosecution or the accused, may, at any time before the stage of framing of charge, place such oral or written documents on record. Ordinarily, whenever such an endeavour is made, there can scarcely be any justification for declining the same. The Court would be well advised to permit such an exercise irrespective of whether the request emanates from the prosecution or the defence, for the true object of the provision is to facilitate the admission of undisputed documents, obviate unnecessary proof, and thereby ensure a fair, efficacious and meaningful adjudicatory process, unencumbered by avoidable procedural technicalities.

10.5 Consequently, no prejudice whatsoever is occasioned to the prosecution merely because the statutory procedure contemplated under Section 294 Cr.P.C. is permitted to be followed. Viewed from any angle, therefore, the impugned order cannot be sustained. The learned trial Court has declined to exercise a jurisdiction vested in it by law by proceeding upon an erroneous understanding of the scope and ambit of Section 294 Cr.P.C. The order thus suffers from a manifest error of law warranting interference in exercise of the supervisory jurisdiction of this Court.

11. Accordingly, the present Miscellaneous Petition deserves to be and is hereby allowed. The order dated 06.09.2017 passed by the learned trial Court is quashed and set aside. The petitioner shall be at liberty to place on record the documents sought to be relied upon by him. Upon such documents being filed, the learned trial Court shall undertake the exercise contemplated under Section 294 Cr.P.C. by calling upon the prosecution to admit or deny their genuineness in accordance with law.

11.1 It is, however, made clear that this Court has expressed no opinion on the admissibility, evidentiary value or probative worth of the said documents. All such questions are expressly left open to be considered by the learned trial Court at the appropriate stage, uninfluenced by any observation made in the present order.

12. The stay application as well as all other pending applications also stand disposed of accordingly.

(FARJAND ALI),J