

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE
BEFORE HON.MR. JUSTICE ALOK VERMA, JUDGE

M.Cr.C. No.6767/2016

Juber Khan

Vs.

State of Madhya Pradesh

Mr. Ashish Tiwari, learned counsel for the applicant.

Mr. V.S. Ujjainiya, learned counsel for respondent/State.

O R D E R

(Passed on this 31st day of August, 2016)

This application filed under Section 482 Cr.P.C. is directed against the order passed by learned Judicial Magistrate First Class, Ujjain in criminal case No.8079/2006 dated 24.05.2016 whereby the learned Magistrate dismissed the application filed by the present applicant under Section 91 of Cr.P.C. and order of Magistrate was confirmed by the aforementioned order of revisional court.

According to the applicant, he filed an application before the learned trial Magistrate under Section 91 of Cr.P.C. praying for

order to call statements recorded by the Investigating Officer during preliminary inquiry. The learned Magistrate opined that after recording of statements of the prosecution witnesses, calling of statements are irrelevant as these statements could be used only for confronting the prosecution witnesses for contradiction and omissions. As all the witnesses have already been examined, the statements have in opinion of the Magistrate had no evidentiary value, and therefore, the application was dismissed. This view taken by the Magistrate was confirmed by the revisional court, and therefore, this application is filed under Section 482 Cr.P.C.

According to the applicant, he is falsely implicated in the case. According to him, Sub-Inspector R.S. Bodana who was also examined before the trial court as the prosecution witness recorded statement of various persons during preliminary inquiry. These statements were deliberately not filed by him with the charge-sheet, and due to this, he suffered prejudice.

I have gone through the impugned orders passed by the courts below. I find no irregularity or illegality in the orders. It is apparent from both the orders that the statements of all the prosecution witnesses have already been recorded including the statement of Sub-Inspector R.S. Bodana, who recorded the statement. Now, at this late stage, the application was filed. Though, it was in the

knowledge of the applicant that some statements were recorded at the preliminary stage, and therefore, at this stage, this statement cannot be called, as they have, no evidentiary value whatsoever. In this view of the matter, no case is made-out for any interference using the extra-ordinary jurisdiction granted to this court under Section 482 Cr.P.C. This application appears devoid of any force and is liable to be dismissed.

Accordingly, the application is dismissed.

Certified copy, as per rules.

(Alok Verma)
Judge

Chitranjan