

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 585 OF 2021
(Arising out of SLP(CrI.) No. 3191 of 2019)

MD. GHOUSEUDDIN

Appellant(s)

VERSUS

SYED RIAZUL HUSSAIN & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 05.02.2019 passed by the High Court for the State of Telangana at Hyderabad in Criminal Revision Case No. 3297 of 2018 allowing the revisional application and reversing the decision of the Trial Court in rejecting the application for summoning of the document(s) moved by the private respondent.

Two contentions have been raised before us.

The first is that the High Court has exceeded its revisional jurisdiction as the order passed by the Trial Court was an interlocutory order. On merits, it is submitted that the High Court ought not to have reversed the well-reasoned decision of the Trial Court. It ought

to have taken into account all relevant aspects, including the fact that the trial had already completed long back and, thereafter, accused was examined under Section 313 Criminal Procedure Code. The application for summoning the document(s) was moved only thereafter and that too without laying proper foundation for grant of such relief as claimed by the private respondent.

Learned counsel for respondent No.1 relying on the decision of this Court in *Girish Kumar Suneja v. Central Bureau of Investigation*, (2017) 14 SCC 809, would contend that the order passed by the Trial Court was amenable to the revisional jurisdiction of the High Court. On merits, learned counsel for respondent No.1 submits that the High Court justly interfered with the order of the Trial Court for reasons recorded in the penultimate paragraph of the impugned judgment.

Having heard learned counsel for the parties and going through the record, we are of the considered opinion that even if the question as to the jurisdiction of the High Court need not be over-emphasized, the fact remains that the Trial Court had given sound and tangible reasons for rejecting the application for summoning of the document(s) - moved at such a belated stage and

without any justification for such relief. The High Court has completely glossed over this aspect in the impugned judgment. The right to summon document(s), indeed, is available but that has to be exercised when the trial is in progress and not when the trial is completed, including after the statement of accused under Section 313 of Criminal Procedure Code had been recorded. The efficacy of the trial cannot be whittled down by such belated application.

Accordingly, this appeal succeeds and the impugned judgment and order passed by the High Court is set aside and the order of the Trial Court is restored, rejecting the application for summoning the document(s).

The trial be proceeded expeditiously and be concluded preferably within six months from the date of receipt of copy of this order.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(SANJIV KHANNA)

New Delhi;
July 12, 2021.

ITEM NO.40 Court 4 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).3191/2019

(Arising out of impugned final judgment and order dated 05-02-2019
in CRLRC No. 3297/2018 passed by the High Court For The State Of
Telangana At Hyderabad)

MD. GHOUSEUDDIN Petitioner(s)

VERSUS

SYED RIAZUL HUSSAIN & ANR. Respondent(s)

Date : 12-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Annam D. N. Rao, AOR
Mr. Annam Venkatesh, Adv.
Mr. Rahul Mishra, Adv.
Ms. Ananya Khandelwal, Adv.

For Respondent(s)
Ms. Mukti Chowdhary, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]