



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

WEDNESDAY ,THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

CRIMINAL PETITION NO: 1895/2023

Between:

Padmoanabhuni Rajeswari

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh
and Others

...RESPONDENT/COMPLAINANT(S)

Counsel for the Petitioner/accused:

1.ARUN KUMAR R

Counsel for the Respondent/complainant(S):

1.NARASIMHA RAO GUDISEVA

2.PUBLIC PROSECUTOR (AP)

3.AKULA VAMSI KRISHNA

The Court made the following:

THE HON'BLE SRI JUSTICE HARINATH. N

CRIMINAL PETITION No.1895 of 2023

ORDER :

1. The petitioner is aggrieved by the order passed in CrI.MP.Nos.17 of 2023 and 18 of 2023 in CC.No.122 of 2019 on the file of I Additional Judicial Magistrate of First Class, Machilipatnam.
2. The Investigating Officer through the APP filed the petitions for recall of PW.1 for the purpose of further cross-examination and for receiving the documents, the learned Magistrate passed a common order dismissing the petitions primarily on the ground that the whatsapp chats were pertaining to the month of August, 2022. The complaint alleging the offences against the accused was presented on 02.06.2017. The investigating officer intended to bring on record the video recordings and the whatsapp chats which were transpired in the month of August, 2022.
3. The learned Magistrate has dismissed the petitions by observing that PW.1 cannot be recalled and the additional documents cannot be received after filing the charge sheet and that the prosecution with an intent to drag the proceedings has come up with the petitions belatedly in CC.No.122 of 2019 which is pending for over four years.

4. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State.
5. During the pendency of a criminal case after filing of charge sheet the prosecution cannot be permitted to furnish additional material which is not part of record. The investigating officer could have resorted to conducting further investigation if he/she has come across additional evidence which is pertinent to the case with the permission of the Court.
6. In the present case on hand, the alleged video recordings and the whatsapp chat was produced by the PW.1 and they are sought to be brought on record by filing a petition under Section 311 of Cr.P.C., and seeking to take on record additional documents by filing petition under Section 91 Cr.P.C.,
7. Section 91 Cr.P.C., does not permit the prosecution to produce additional documents after the commencement of trial in the Court for the purpose of marking and for the purpose of leading further evidence with regard to the additional documents/material objects.
8. The scope of Section 311 Cr.P.C., cannot be stretched to the extent of bringing in additional documents and material objects which are not part of record of the Court filed by the investigating

officer along with a charge sheet. The Criminal Procedure Code is comprehensive and such procedure cannot be permitted.

9. On these grounds, the criminal petition is dismissed.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Dated 25.06.2025
KGM

THE HON'BLE SRI JUSTICE HARINATH. N

CRIMINAL PETITION No.1895 of 2023

Dated 25.06.2025

KGM