

IN THE COURT OF THE PRINCIPAL CIVIL JUDGE (Senior Division)
AND C.J.M, AT RAMANAGARA

C.C No.204/2010

State by Bidadi Police Station
(C.I.D Bangalore)

..... COMPLAINANT

AND

Paramahansa Nityananda Swamy & others

ACCUSED

STATEMENT OF OBJECTIONS TO THE APPLICATION U/s 91 OF
CODE OF CRIMINAL PROCEDURE, FILED BY A-1:

On behalf of the Prosecution it is most respectfully submitted as under:

1. That, the application filed by the A-1 is not sustainable in the eyes of law and opposed to the law delivered by the Hon'ble Apex Court.
2. That, a three judge bench of the Hon'ble Supreme Court in a landmark ruling has held that, "As far as accused is concerned, his entitlement to seek order U/s 91 of the Code would not come till the stage of Defence." [2005 (1) Crimes 1 (SC) - State of Orissa v/s Debendranath Padhi]. Hence, on this ground alone the application filed by A-1 is liable to be dismissed. (Xerox copy of the ruling is enclosed)
3. That, U/s 207 of Crpc, an accused facing criminal trial is entitled to get copies of the documents forwarded to the Magistrate with the police report u/s 173 (5) Crpc and also statements recorded U/s 161 Crpc. Apart from this the Accused is also entitled to copies of the Confessions and statements if any recorded u/s 164 of Crpc.
4. That, the Prosecution has already supplied copies of all the documents and statements of witnesses which the prosecution proposes to

examine as witnesses. The position of law is crystal clear as far as the statement of Accused recorded during investigation. Only that part of the statement which leads to discovery of facts is admissible u/s 27 of the Evidence Act. In this case there no discovery as per section 27 of the Evidence Act and as such the statement of the accused is not enclosed to the police report submitted u/s 173 of Crpc. Thus, the accused is not entitled to any such statements by filing an application u/s 91 Crpc.

5. That, the present I.O has given a report stating that C.I.D is not having any Audio or Video recordings of the interrogation of A-1 while in C.I.D custody. According to him Sanjay Marketing Company was entrusted with the work of installing Audio, CCTV system in the interrogation room and the said work was in progress when A-1 was being interrogated, but, the proprietor of MAASTEK by name Vijay with the active assistance of his employees committed theft of the Video and Audio clippings and shared the same for wrongful gains with Udaya TV and other channels. In this connection S.P (Admin) H & B squad, C.I.D, Bangalore has lodged a complaint on 05-05-2010 with the S.H.O of the C.C.P.S of C.I.D, Bangalore and a case in Crime No.10/2010 u/s 66 and 84(B) of the I.T Act 2000 and u/s 186, 379, 120-B of the IPC has been registered against Vijay and 4 others and shortly Charge-sheet will be filed in the above case (Copy of the FIR and Complaint, report of I.O is enclosed)
6. Secondly, as per the report of the I.O, no materials and documents were provided to any visual or print media, magazines and internet publications. Only a Press note was given after filing of charge-sheet

by the C.I.D. Apart from this nothing was given by the C.I.D to anybody till today.

7. Hence, the petition of A-1 will not survive due to the facts stated above and the position of law as far as section 91 of Crpc is concerned.

Wherefore, on behalf of the prosecution it is humbly prayed that the application filed by A-1 may kindly be dismissed in the interest of justice.

Place: Ramanagaram
Date: 31-03-2011

(K.Janardhan)
Special Public Prosecutor