



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

S.B. Criminal Misc(Pet.) No. 5661/2024

Ramkaran S/o Shri Bhagu Ram, Aged About 45 Years, Village  
Jaislan, Tehsil Ladnu Distt. Deedwana Kuchaman (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Ganpat Ram S/o Shri Lachha Ram Ji, Aged About 65  
Years, Village Jaislan, Tehsil Ladnu Distt. Deedwana  
Kuchaman (Raj.)

-----Respondents



For Petitioner(s) : Mr. Bhola Ram Chahar

For Respondent(s) : Ms. Sonu Manawat, PP

**HON'BLE MR. JUSTICE ARUN MONGA**

**Order (oral)**

**23/08/2024**

1. Under challenge herein is an order dated 28.05.2024 passed by the learned Additional Chief Judicial Magistrate, Ladnu, District Deedwana-Kuchaman, in Criminal Case No. 334/2022 pending under Sections 420, 406 and 120-B. In this order, the trial court rejected the application filed by the petitioner, which objected to assigning an exhibit to an unregistered agreement.

2. The impugned order is based, among other reasons, on the view that the agreement in question is significant for framing charges against the accused. This agreement has also been referenced in the charges framed.

3. Heard.

4. I concur with the dismissal of the petitioner's application by the learned trial court, albeit for different reasons.

5. I am of the opinion that in criminal law, the admissibility of a document is not hindered if it is unregistered or unverified. The

court's focus in criminal proceedings is on deciding the charges framed against the accused, not on determining any civil rights between the parties. In this context, the accused's application dated 18.03.2024, objecting to the admissibility of the unregistered agreement dated 02.04.2015, was misconceived and was accordingly rightly dismissed by the trial court.

5. Moreover, the act of assigning an exhibit or a mark to a document is a ministerial function meant to identify the document presented before the court. Whether a document is assigned an exhibit or a mark at the time of recording evidence is immaterial.

Even if a document is assigned an exhibit but later found not to be duly proved in accordance with the law or is otherwise inadmissible, the petitioner can seek its exclusion at the appropriate stage. Conversely, if a document initially marked is later proved according to the law and deemed admissible, the concerned party can request the court to consider it at the appropriate time.

6. Since the trial is underway, the learned trial court is expected to take a decision at the appropriate stage regarding the document's admissibility and evidentiary value. This Court, therefore, refrains from commenting on the relevance, proof, or admissibility of the document in question.

7. Petition is disposed of with aforesaid observations.

8. Pending application, if any, shall also stand disposed of.

**(ARUN MONGA),J**

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Whether fit for reporting: Yes