

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram, Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 2889 OF 2015

SARANG S/O RAJENDRA MISAL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondent: Mrs. R. K. Ladda.

CORAM: T. V. NALAWADE, J.
DATED: 10th JUNE, 2015.

PER COURT:

1. Notice.
2. Learned A.P.P. waives notice.
3. Heard the matter for final disposal, by consent, as short point is involved.
4. The proceeding is filed to challenge the order made by learned Additional Sessions Judge, Shrirampur on Exhibit-37 on 28th May, 2015. By this order, the Court allowed original complainant to produce C.D. which is of C.C.T.V. Footage in a case which is filed for offence punishable under sections 395, 325 etc. of I.P.C.

5. Present applicant is the accused and he has grievance that this material was not produced along with the charge sheet and the accused took by surprise and prejudice would be caused to the accused if that material is allowed to be exhibited and accepted in evidence. There is grievance of other kind also, regarding the procedure which is to be followed for proof of the material.

6. The trial Court has made two orders in the aforesaid case. The trial Court has already observed that necessary procedure will be followed for exhibiting and accepting the material in evidence. The procedure involves preparation of transcript, preparing copy of the C.D. and supplying the same to the accused. That would be definitely done. When particular material is allowed to be produced in the Court in a criminal case it is the responsibility of the State to spend for following the aforesaid procedure. The grievance of the applicant, accused that there will be obstruction of the provisions of Section 65 (B) of Evidence Act can be considered by the Court when the material is to be exhibited after following the procedure. Thus, the present proceeding

has arisen out of misconception. No prejudice would be caused to the accused in view of the procedure which needs to be followed if the material is allowed to be produced after filing of the charge sheet. There is power of the Court to allow such production. With the aforesaid observations, the proceeding is disposed of.

[T. V. NALAWADE, J.]

Dt.10/06/2015
ans/2889