

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 144 OF 2015

MR. SOUMIT RANJAN JENA.

... Petitioner

Versus

STATE, THR. CBI/ACB, GOA AND 2
ORS.,

... Respondents

Mr. Diwakar R. Singh with Mr. Arjun F. Naik, Advocates for the
Petitioner.

Mr. Joseph Vaz, Special Public Prosecutor for the Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 4th December, 2015

P.C:

Heard Mr. Singh, the learned Counsel for the petitioner and Mr. Vaz, the learned Special Public Prosecutor for the respondent no. 1. Respondent Nos. 2 and 3 are deleted from the record.

2. The petitioner, who is one of the accused in Special Case No. 32/2013, pending before the learned C.B.I. Court for Goa, Panaji, takes exception to certain documents being marked as exhibits, inspite of an objection being raised on behalf of the petitioner. The learned Counsel for the petitioner, in particular, has made reference to certain documents, which were shown to the witness and has been collectively marked as Exhibit-134. It is contended that the documents are xerox copies and could not have been marked as exhibit. It is submitted that an objection has been raised and it is also noted during the course of recording of the evidence.

3. It is submitted by Mr. Vaz, the learned Special Public Prosecutor for the respondent no. 1 that as per the practice and procedure, the Court is not expected to decide the objection raised on every document, during the course of recording evidence. It is submitted that, the learned Special Judge has recorded the objection and the objection can be decided at the stage of arguments/final disposal of the case.

4. On hearing the learned Counsel for the parties and on perusal of the record, it does appear that the learned Special Judge has not decided the objection/s as such. In that view of the matter, there is no order as such, which can be challenged. Thus, the petition cannot be entertained. In such circumstances, the Criminal Writ Petition is disposed of. It will be open for the learned Special Judge to decide the objections, as may be raised, in accordance with law, at the stage of arguments/final disposal of the case.

C. V. BHADANG, J.

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