

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 385 OF 2015

Ayyas Babalu Hussein Qureshi	..	Applicant.
vs.		
State of Maharashtra	...	Respondent

Mr. Munir Ahmed for the applicant.
Ms. R.M.Gadhavi, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 18th June, 2015.

P.C.

In the course of argument of this application, it is seen that the charge-sheet in the present case was filed on 12.12.2014. That the Investigating agency has conducted the test identification parade on 29.1.2015 and that is precisely the reason why the copy of the panchnama of T.I. Parade does not find place in the compilation of the charge sheet.

2. The learned counsel for the applicant submits that this has caused grave prejudice to the accused. It ought to be inferred that the prosecuting agency is not relying upon the test identification parade.

3. As against this, the learned APP submits that there were several communications with the Tahsildar and due to the law and order situation, the Tahsildar has not conducted test identification parade prior to the filing of charge sheet. This is the in house mechanism.

4. The learned counsel for the applicant submits that the test identification parade would lose its significance since the accused is not in a position to rely upon evidence which is in the form of corroborative evidence.

5. The Director General of Police, Maharashtra State, shall take note that this Court has observed that in several matters, the copy of the panchnama, test identification parade or the post mortem notes, injury certificates and other relevant documents do not form a part of the compilation of charge-sheet and, therefore, it is usually argued by the defence that it is not a complete charge sheet. This hampers the very administration of justice and the Director General of Police shall take serious note of this fact and issue appropriate circulars to all police stations.

6. The learned counsel for the applicant submits that in view of

the fact that the panchnama of the test identification parade is given in a sealed envelope to the Sessions Court, he would rely upon the same and seeks liberty to withdraw this application with further liberty to approach the Sessions Court under Section 439 of Cr.P.C.

7. The learned Sessions Judge shall not be influenced by the withdrawal of this application and decide the application on its own merits.

Application stands dismissed as withdrawn.

(SMT.SADHANA S.JADHAV, J.)