

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 1257 of 2014

N/s. Namco Steel Ltd. & Anr. .. Petitioners

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Mohan Jayakar a/w Mahalakshmi G. Apoorva G. i/b Jayakar & Partners, Advocate for the petitioners

Mr. V. B. Konde-Deshmukh, APP for the respondent-State.

Mr.Sandeep Velkar, Advocate for the respondent No. 2.

CORAM:-M.L. TAHALIYANI,J.

DATED : -05/01/2015

P.C.

Heard learned advocate for the parties.

2 The petitioner is aggrieved by the order passed by the learned Magistrate refusing to issue summons to the second respondent/complainant to produce certain documents which are in possession of the second respondent. The learned Magistrate has rejected the prayer on the ground that the petitioner might be having copies of those documents and, therefore, it was not necessary for him to make such a prayer.

3 In my opinion, when the petitioners want original documents to be produced, the purpose will not be served by producing copies thereof. Moreover this appears to be a presumption on the part of the learned Magistrate that the copies of the documents might be with the petitioner.

4 In my view, the order is to be set aside and prayer needs to be granted. The order passed by the learned Magistrate is set aside. Prayer made by the petitioner before the learned magistrate is granted. The respondent No. 2 shall produce the documents as prayed in the application in question.

5 It is further directed that the trial shall not proceed unless the documents are produced.

6 The petition stands disposed of accordingly.

(JUDGE)

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