

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1310 OF 2015

Prasun Rameshchandra Agarwal

... Petitioner.

V/s.

The State of Maharashtra

... Respondent.

Mr. Anil G. Lalla, Advocate a/w. Ms.Beerta Bajwa i/by M/s.
Lalla & Lalla for the Petitioner.

Mr. Rajesh More, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 14th JULY, 2015

P.C. :

1 Heard. Admit. By consent of the parties, heard finally.

2 Perused the impugn order passed by the learned additional Sessions Judge. The learned additional Sessions Judge by the impugned order has directed the police to prepare inventory of the articles submitted in the court. It appears that earlier list of documents was not in detail. The learned additional Sessions Judge was, therefore, constrained to direct the police to prepare a fresh list of articles.

3 As far as preparation of the fresh list of articles with details in accordance with the seizure panchanama is concerned, there should not be any opposition to the same from the accused/petitioner, as the same is not going to change the description of the property nor a fresh list will form a part of the evidence. However, there is one thing which may amount to collecting of a fresh evidence as the learned Sessions Judge has gone to the extent of directing the investigating officer to take impression of the rubber stamps which the investigation officer had already seized and prepare the list thereof. In this regard, it may be noted here that there is nothing on record as to what were the impressions of the stamps when they were seized. Therefore, this direction at this stage either amounts to collecting of evidence or a further investigation. Under the guise of preparation of a fresh list of articles, this cannot be permitted to be done.

4 The order of the learned Sessions Judge dated 16.02.2015 in Sessions Case No. 221 of 2004 is set aside. The learned Sessions Judge is directed to permit the investigating officers to prepare a fresh list of articles with little greater details in accordance with the seizure panchanama/ seizure memos.

5 Writ petition stands disposed of.

6 It is made clear that while preparing fresh list of articles, the investigating officer will not allow to open the articles already submitted in the court. The fresh lists are to be prepared on the basis of the seizure panchanama/ seizure memos.

(JUDGE)

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