

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1025 OF 2014

IN

CRIMINAL APPEAL NO.952 OF 2008

ARJUN DINKAR GHATTE

)...APPLICANT

V/s.

SANJAY BAPUSO MAGDUM AND ANR.

)...RESPONDENTS

Mr.Gajanan M. Savagave, Advocate for the Applicant.

None for Respondent No.1.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 5th AUGUST 2015.

P.C. :

1 Heard Mr.Savagave, the learned counsel for the applicant. None present for respondent no.1.

2 I have gone through the order dated 13th December 2011, passed by the Civil Judge Senior Division. The order is not proper. The observation that the application was not maintainable

under Order 13 Rule 10 of the Code of Civil Procedure is incorrect. Since the relevancy and necessity of the documents in question was not in dispute, the application made by the applicant before the learned Civil Judge Senior Division, ought to have been allowed. The appeal pending before this court is not likely to be heard immediately. Under the circumstances, the present application should be allowed.

3 The application is allowed in terms of Prayer Clause (a). However, the record and proceedings be sent back to this court, as and when required by this court.

4 The application is disposed of accordingly.

(ABHAY M. THIPSAY, J.)