IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

Criminal Writ Petition No. 805 of 2014
(Smt. Kamini wd/o Vishal Pure Vs. Rajesh s/o Khemchand Thawani)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri S. O. Ahmed, Advocate for petitioner
Shri G. L. Bajaj, Advocate for respondent

CORAM : A. B. CHAUDHARI, J.
DATED : 10-6-2015

Heard learned counsel for the rival parties.

The order impugned in the present petition is on the application for de-exhibition of the document i.e. Bill exhibited as Exhibit No. 25.

Learned counsel for the petitioner vehemently expressed his apprehension about the document being read as evidence due to exhibition thereof. According to him, the document was not legally proved and still was exhibited. He relied on the case of ***Shri Gopal Shankarrao Deshmukh Vs. Jagdamba Nagri Sahakari Patsanstha*** reported in ***2014 ALL MR(Cri) 670***.

Per contra, learned counsel for the respondent submitted in fairness that mere exhibition of the document does mean proof thereof. He therefore submitted that no fault can be found with the impugned order.

Perused the impugned order. It seems that learned trial Court exhibited the Bill at Exhibit No. 25 upon verification of the original bill. But then, it made further observation in the impugned order that accused could disprove the same in the cross-examination and, therefore, there was no reason to de-exhibit the document.

The observations objected to will have to be read in the context that the document Exhibit No. 25 was not to be read as evidence unless the same is proved in accordance with law. Hence, with clarification, I make the following order.

ORDER

Criminal Writ Petition No. 805/2014 is disposed of reserving a liberty in favour of the petitioner to buttress his argument about the proof, admissibility of Exhibit No. 25 and that mere exhibition of Exhibit No. 25 would not be a proof of document as such.

With the above observations, the writ petition is disposed of.

JUDGE

wasnik