

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 12 OF 2016

Dnyaneshwari D/o Mukind Phad .. Applicant

Vs.

The State of Maharashtra and anr. .. Respondents

Mr. S.P. Salgar, Advocate for the applicant
Ms. R.P. Gour, APP for the respondent/State
Mr. P.N. Kalani, Advocate for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 02/08/2016

ORAL ORDER :

Heard.

2. Learned counsel for the applicant, through an affidavit has produced on record before this Court, the extract of the details as regards the birth of Dnyaneshwari to parents namely, father Mukind Sitaram Phad and mother Gawlanbai Mukind Phad. He would submit that the said affidavit was handed to the learned A.P.P., however, it was not brought to the notice of this Court by the learned A.P.P. for prosecuting the accused under the provisions of Protection of Children

From Sexual Offences Act. Shri Kalani, learned counsel for respondent no.2 submits that he would go on record the question of legality and validity of the said birth extract.

3. In my opinion, it will be inappropriate to go into these diverse submissions, as the learned Court below is seized with the matter and it is always open for the applicant to have tendered the said document alongwith an affidavit to the learned Public Prosecutor, who is appearing in the Sessions trial.

4. Learned Public Prosecutor, who is appearing in the Sessions trial, will be at liberty, to take such steps, as are available in law, particularly, after following the due procedure under the Code of Criminal Procedure for production of document/further investigation, if he so desires, particularly, in the light of the provisions of the Code of Criminal Procedure.

5. Needless to say that the accused will be at liberty to question the legality of the document of birth extract at appropriate stage.

6. With the above observations, the Revision Application stands disposed of.

[N.W. SAMBRE]
JUDGE

arp/