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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 361 OF 2016

Devgiri Nagari Sahakari Pat Sanstha,
M Jalna, Branch Tembhurani,
Through Recovery Officer,
Rahul Kaduba Wakekar

..PETITIONER

VERSUS

Milind s/o Shriram Dige & anr.

..RESPONDENTS

Mr Sanket Kulkarni, Advocate holding for J.P. Legal Associates for
petitioner;

Ms R. P. Gaur, Addl. Public Prosecutor for respondent No. 2

CORAM : N.W. SAMBRE, J.

DATE : 29th April, 2016

ORAL ORDER :

Learned Judicial Magistrate First Class, Jafrabad, by an order dated 17th February, 2016, passed below Exh. 55, in Summary Trial Case No. 386 of 2009, has rejected the application, moved by the original complainant-petitioner for exhibiting documents, which were produced vide Exhs. 44 and 46.

2. Mr Kulkarni, leaned Counsel appearing on behalf of petitioner-complainant would submit that petitioner, an institution, will suffer great prejudice, in case, if the documents as produced are not exhibited. He would then submit that the documents, of which exhibition is sought, were

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also prayed by the respondent-accused to be produced for the purpose of adjudication of the claim in the original complaint and as such, accused should not have denied for exhibiting the documents.

3. Having bestowed my thoughts to the submissions made, it is to be noted that the documents, as are sought to be exhibited, are not proved in the evidence. Just because petitioner is an institution, there are no separate parameters and privileges in favour of petitioner-institution. Apart from above, even if accused has sought production of those documents, however, he has not admitted those documents.

4. In view of the fact that the documents are not proved, in my opinion, learned Magistrate has rightly rejected the application—Exh. 55.

5. In the above background, no case for interference in extra-ordinary jurisdiction is made out. Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)

sjk