

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 706 OF 2016

ALIM MIRZA BAIG S/O MAIRZ SSAJJAD BAIG
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr. Jadhav Satej S
APP for Respondents: Mr. D.R. Kale

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**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 23rd JUNE, 2016

P.C. :-

1. Perused the averments in the petition and annexures thereto.
Heard learned counsel for the petitioner.

2. We are not inclined to issue notice in this petition. We are
inclined to reject the same for the following reasons:-

i) The petitioner is one of the accused in R.C.C. No. 314 of 2014, pending for trial before the learned J.M.F.C. Parbhani since long. Rather belatedly the petitioner -accused moved an application for production of certain documents. Learned Judge rejected the same mainly on the ground that it will delay the proceeding.

ii) The case of the petitioner is that the document, which the petitioner now wanted to place on record, is a document of the prosecution and it was the prosecution, which earlier wanted this document to be produced on record to support their case. In 2011, learned A.P.P. moved an application to the court seeking direction to the investigating officer to produce this document on record as Muddemal or otherwise. That application was rejected. If the document which is beneficial to the prosecution has not been produced by the prosecution itself the accused might derive advantage at the time of trial having seen this possibility.

3. For the aforesaid reasons, we are not inclined to entertain this petition, especially since the criminal case is pending since 1999. Writ petition is therefore, dismissed.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)

rlj/

