

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1229 OF 2015

Bhikchand s/o. Panchamlal Kuril
and ors. ..Petitioners

Versus

The State of Maharashtra ..Respondent

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Ms.Supriya L. Pansambol, advocate i/b.
Mr.V.D.Gunale, advocate for for petitioners

Mr.N.T.Bhagat, APP for respondent - State

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CORAM : M.T. JOSHI, J.

DATE : JANUARY 18, 2016

ORAL ORDER :

Heard both sides.

2] It is the case of the petitioners/accused that learned Judicial Magistrate F.C. has wrongly exhibited the authenticated photocopies of the receipt at Exhibits 81 to 116.

3] Learned Judicial Magistrate F.C. has observed that since those are the authenticated copies of the receipts, they have presumptive value under Section 85 of the Indian Evidence Act.

4] In my view, the admissibility of the document, whether exhibited or not, can be argued at the time of final hearing. Exhibiting a document is merely a technical work.

5] In that view of the matter, learned Judicial Magistrate is directed not to be influenced by the observations made by him while disposing of the application at Exhibit "B", which was filed by the present petitioner and shall independently come to the conclusion as to whether, the documents are admissible or not at the time of final decision of the case upon hearing both sides.

6] With these directions, present Criminal Writ Petition is disposed of.

[M.T. JOSHI, J.]