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

CRIMINAL WRIT PETITION NO. 1458 OF 2015

1. Santosh Eknath Waykar,
Age: 23 years, Occu: Agril.,
R/o Belapur Road, Ward No. 07,
Tq. Shrirampur, Dist. Ahmednagar
2. Bhausahab Tukaram Gangawane,
Age: 29 years, Occu: Agril.,
R/o Belapur Road, Ward No. 07,
Tq. Shrirampur, Dist. Ahmednagar ..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Shrirampur Police Station,
Tq. Shrirampur, Dist. Ahmednagar
2. Shri. Sagar /o Shivaji Shinde,
Age: 27 years, Occu: Private Service,
R/o. Purnawad Nagar,
Near Mansoba Mandir, Ward No. 07,
Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar ..RESPONDENTS

Mr R. R. Karpe, Advocate for petitioners;
Mr A. R. Kale, Addl. Public Prosecutor for respondent No. 1;
Mr R. A. Tambe, Advocate for respondent No. 2

CORAM : N.W. SAMBRE, J.

DATE : 4th April, 2016

ORAL ORDER :

The order impugned dated 7th October, 2015, passed by Additional Sessions Judge, Shrirampur, below Exh.103, in Sessions Trial No.20 of 2015, is an unreasoned order, though the petitioners-accused have

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objected production of document, so did the order passed below Exh.87.

2. Perusal of the provisions of section 294 of the Code of Criminal Procedure depicts that if the accused denies genuineness of a document, the Court must pass a reasoned order.

3. It is further required to be noted that the witness, who has sought production of such evidence, has urged before this Court that he should also be permitted to lead evidence in support thereof. However, that does not appear to be in prayer at Exhs.87 and 103.

4. In the above background, in my opinion, the orders passed below Exhs.87 and 103, are not sustainable. I, therefore, pass following order :-

The orders dated 28th July, 2015 and 7th October, 2015, passed by learned Additional sessions Judge, Shrirampur, below Exhs.87 and 103, in Sessions Case No.20 of 2015, are set aside.

After hearing the parties, learned Additional Sessions Judge, Shrirampur shall pass reasoned orders below Exhs.87 and 103.

Criminal Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

amj