

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7529 OF 2015

Prashant Rangrao Pawar

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. A. B. Borkar, for the Petitioner.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.1 & 2.

CORAM : R.M. SAVANT, J.

DATE : 11th MARCH 2016

PC.

1. The order dated 14.07.2015 passed by the Respondent No.2 refusing to furnish documents which are mentioned in the letter dated 02.07.2015 addressed by the Petitioner to him is taken exception to by way of the above Petition. The said documents have been refused to be furnished on the ground that in terms of Rule 72 the said documents can only be furnished if there is an order of a Competent Court to that effect. During the course of hearing of the above Petition, the Learned Counsel for the Petitioner Mr. A. B. Borkar states that the Petitioner would not press the application in so far as the documents mentioned in clauses (4) and (5) of the said letter dated 02.07.2015, but would be seeking the documents mentioned in clauses (1), (2) and (3) of the said letter. In so

far as the documents in clause (3) are concerned, the Learned Counsel further states that the Petitioner would clarify as to which documents he seeks in terms of clause (3) of the said letter. In view of the said statement made by the Learned Counsel Mr. A. B. Borkar, in my view, it would be just and proper to set aside the order dated 14.07.2015 passed by the Respondent No.2 and relegate the matter back to the Respondent No.2 for a fresh consideration of the application dated 02.07.2015. The said consideration would be in terms of the statement made by Mr. A. B. Borkar hereinabove.

2. Needless to state that the application would be considered by the Respondent No.2 on its own merits and in accordance with law uninfluenced by the impugned order dated 14.07.2015. With the aforesaid directions the Writ Petition is disposed of.

3. The Petitioner would approach the Respondent No.2 on 16.03.2016. The Respondent No.2 would decide the application latest by 31.03.2016.

[R.M. SAVANT, J]