

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 23 OF 2016
IN
CRIMINAL WRIT PETITION NO. 1257 OF 2014

M/s. MMTC Ltd. ... Applicant.
Versus
The State of Maharashtra & ors. ... Respondents.

Mr. R.V. Govilkar i/b. Mr. Nelson Rajan P.V., advocate for applicant.

Ms. Mahalakshmi G. i/b. Jayakar & Partners, advocate for respondent No. 2.

Mr. V.B. Konde-Deshmukh, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 12, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned Counsel for respondent No. 2.

2 Learned Counsel for the applicant submits that the present applicant was a respondent No. 2 in Writ Petition No. 1257 of 2014, which was disposed of by this Court (Coram : M.L.

Tahaliyani,J(retired)) by an order dated 5/1/2015, wherein the respondent No. 2 was directed to produce the documents, as prayed for in the application. The order read as follows :

“The respondent No. 2 shall produce the documents as prayed in the application in question.”

3 Today the learned Counsel for the Petitioner has filed the present application with prayer that the order dated 5/1/2015 should be modified. There is no reason for the modification of the order after one and half year, since the Hon'ble Shri Justice M.L. Tahaliyani was officiated till August, 2015. The reason for filing this application shown is that the applicant wanted to file a set of documents in the said proceedings, which were office copies of the original documents.

4 It is submitted that the learned Magistrate has orally directed the applicant to abide by the order dated 5/1/2015. It is also admitted by the applicant that no application was filed before the Magistrate requesting him to take certain documents on record or

office copies of the documents. The proper procedure contemplated under Section 65 and 66 of the Indian Evidence Act were not adopted.

5 As on today, there is no reason to modify the said order and hence, the application deserves to be dismissed. However, it is made clear that in the eventuality that the applicant files an application before the learned Magistrate seeking relief of filing certain documents, as contemplated in the law, the learned Magistrate shall dispose of the said application in accordance with law.

6 The application stands dismissed and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)