

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 336 OF 2016

Dee Dee Infrastructural Engineering Pvt. Ltd. Vs. Prakash Rangrao Patil & Anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Ms. Shradha Sawant for Applicant..
Mr. A.A. Desai for Respondent No.1.
Mr. A.S. Patil, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 15th June 2016.

P.C.:

1 By the present application filed under Section 482 of Cr. P.C., the applicant has questioned the correctness of the common Order passed below Exhibits 44 and 45 in Summary Criminal Case No.374 of 2014 dated 30.1.2016 by the learned Judicial Magistrate First Class, Panhala.

2 The aforesaid case is filed by the respondent No.1 under Section 138 of the Negotiable Instruments Act. As per the record the complainant is under cross-examination at the instance of the applicant/accused. During the course of the cross-examination, with a view to put forth the defence of the accused, the

applicant/accused filed two applications below Exhibits 44 and 45 respectively for production of certain documents and in particular the cheques/negotiable instruments which have already been honoured by the drawee bank for and in favour of the respondent No.1. The applicant also wants production of CCTV footage with a view to prove the fact that the complainant/respondent no.1 at a material time had been to the bank for encashment of other cheques. It is to be noted here that there is no dispute about the encashment of other cheques which are not part of the complaint. The complaint is filed with a specific grievance that a particular negotiable instrument has been dishonoured on its presentation. Though there is no mention of any provision of law for production of specific document in the application, the learned Trial Court has dealt with all the relevant provisions of Cr. P.C. and the Evidence Act and has passed a detailed order. It cannot be disputed that the accused is having right to put forth his defence or seek production of certain document in support of its defence. However, the record annexed to the present application itself shows that the applicant herein who is accused with a view to delay the trial has moved the said application. The applicant can file such application at a belated stage when he was intending to put forth his defence. In view of the facts of the present case, according to me the stage for production of the said documents is yet to reach and the said application is filed only with a view to protract the trial.

3 The learned Trial Court after taking into consideration all the relevant aspects of the matter has passed the reasoned order which cannot be faulted with. I find that there is no error either in law or on facts in the impugned Order.

4 Application being devoid of merits, is accordingly dismissed.

(A.S. GADKARI, J.)