

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2078 OF 2016**

Swati Bapat	...Petitioner
Versus	
Dr. Umesh Vaidya & Anr.	...Respondents

Ms. Jai Kanade with Mr. B. G. Ligade I/b Mr. Drupad Sopan Patil for the
Petitioner

Mr. Niranjan Shrikant Mundargi for the Respondent No. 1

Ms. P. P. Shinde, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 27th SEPTEMBER, 2016

P.C. :

1. Heard learned Counsel for the parties.

2. By this petition, the petitioner has impugned the order dated 23rd December, 2010 passed by the learned Judicial Magistrate First Class, Pune, below Exhibit 65 as well as the order dated 18th January, 2016 passed by the Additional Sessions Judge, Pune, in Criminal Revision Application No. 56 of 2011.

3. Learned Counsel for the petitioner has tendered a list of documents. The said list is taken on record and marked 'X' for identification. Learned Counsel for the petitioner presses this application qua documents set out at Serial Nos. 3(i), 4 (i), 4(ii), 5(i), 7(i), 8(i), 1(i), 12(i), 13(i), 14 (I) and 15(i). She submits that the petitioner has specifically averred in the complaint that she has reason to believe that the said documents are in the custody of the respondent No. 1.

4. Learned Counsel for the respondent No. 1 states that he has no objection to the said documents mentioned in para 3 being produced, subject to objection and admissibility of the said documents.

5. As far as the other documents mentioned in the list are concerned, learned Counsel for the petitioner does not press the petition qua the said documents. She states that she will take appropriate steps to prove the said documents mentioned in the list before the trial Court, in accordance with law.

6. Accordingly, the petition is allowed to the extent, that the petitioner is permitted to place on record documents as aforesaid in para 3, subject to objection and admissibility of the said documents. All contentions of both the parties are kept open.

7. It is made clear that this Court has not given any opinion with regard to the admissibility of the said documents and the trial Court shall decide the same in accordance with law.

8. Needless to state, that as far as other documents are concerned, the petitioner is always at liberty to take appropriate steps in accordance with law to prove the said documents. If an application is filed, to prove the other documents, the trial Court shall consider the same in accordance with law, uninfluenced by the observations made in the impugned orders.

9. Considering that the case is of 1999, the trial is expedited.

10. Petition is disposed of accordingly.
11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.