

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 492 OF 2016
(Anil s/o Wasudeorao Chirkhare and others vs. State of Maharashtra)

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

Shri M.S. Wakil, Advocate for applicants.
Shri C.A. Lokhande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 21, 2016

Heard Shri Wakil, learned Counsel for
applicants, and Shri Lokhande, learned Additional Public
Prosecutor for respondent.

This is the application for quashing order of
learned 2nd Ad hoc Assistant Sessions Judge, Nagpur
exhibiting call detail records as Exhs.79 to 87 in Sessions
Trial No.297/2014, where applicants are tried for the
offences punishable under Sections 306 and 498-A read
with Section 34 of Indian Penal Code.

Shri Wakil, learned Counsel for applicants,
submits that in the evidence of Santosh Darekar,
Investigating Officer, who is examined as P.W.8, learned
trial Court has exhibited call detail records as Exhs. 79 to
87 and though defence has raised objection against
exhibiting the same and learned trial Court has recorded
the objection, learned trial Court has not passed any
order to consider the same at the time of final hearing
nor has considered the said objection at that time itself.
The learned Counsel submits that necessary directions

may be issued to learned trial Court. It is also pointed out that learned trial Court in fact while recording similar objection raised by defence while recording evidence of P.W.1 has specifically mentioned that objection raised shall be considered at the time of decision in the case.

In the background of submissions advanced as above, perusal of evidence of P.W.8 reveals that call detail records are exhibited in his evidence as Exhs. 79 to 87 and the learned trial Court has recorded the objection. Similarly, from the evidence of P.W.1, the objection raised appears to have been recorded by the learned trial Court and same is directed to be considered at the time of decision of the case. Thus, it is found that objection recorded in the evidence of Investigating Officer is not stated to be considered at the time of final hearing. In that view of the matter, limited prayer made in the present application is liable to be allowed as per order below :

The learned trial Court to consider the objection raised by applicants and recorded in the evidence of P.W.8 Santosh Darekar, Investigating Officer, who has proved call detail records (Exhs. 79 to 87), at the time of final hearing. With this direction, application stands disposed of as allowed.

JUDGE