

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

CRIMINAL WRIT PETITION NO.1247 OF 2017

Balasaheb Shankar Chavan (Rendale) ...Petitioner
Versus

The State of Maharashtra & Anr. ...Respondents

.....

Mr. Tejas Hilage for the Petitioner.

Mr. Y.M. Nakhwa, APP for the Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th NOVEMBER, 2017.

P.C.:-

Heard Mr. Tejas Hilage, the learned counsel for the Petitioner and Mr. Y.M. Nakhwa, APP for the Respondent No.1-State.

2. The Petitioner herein has challenged the order dated 21st December, 2016 whereby the learned Additional Sessions Judge, Ichalkaranji, Kolhapur dismissed the Criminal Revision Application No.25 of 2016 and thereby confirmed the order dated 3rd March, 2016 passed by the Judicial Magistrate, First Class, Court No.2, Ichalkaranji, allowing the application under Section 311 of the Cr.P.C. filed by the Respondent No.2-complainant in Summary Criminal Case No.1107 of 2011.

3. The Respondent No.2 herein, who was the complainant in the said case, had filed a complaint against the aforesaid Petitioner under Section 138 of the Negotiable Instruments Act. The evidence of the Respondent No.2-complainant was already recorded and thereafter he had filed an application under Section 311 of the Cr.P.C. to allow him to produce additional documents alongwith additional affidavit in evidence.

4. A perusal of the application dated 22nd November, 2014 reveals that in the course of cross-examination the Respondent No.2-complainant was questioned about certain bills and receipts. In answer to the said question the Respondent No.2-complainant had stated that he was in possession of the said bills and receipts. Subsequently, by the application he sought leave to produce the said bills and receipts under Section 311 of Cr.P.C. It is thus evident that the Respondent No.2-complainant had sought to produce said documents in view of questions put to him in the cross examination.

5. Considering the above facts and circumstances and considering the scope of Section 311 of the Cr.P.C. in my considered

view the learned Magistrate was justified in allowing the said application. Even otherwise no prejudice will be caused to the Petitioner if the said documents are produced on record as he will have ample opportunity to cross-examine the complainant on the said documents.

6. Hence, I do not find any illegality in the order of the learned Magistrate, Ichalkaranji or in the order of the learned Additional Sessions Judge, Ichalkaranji, Kolhapur.

7. The Petition has no merits and is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)