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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2326 OF 2017**

Rekha Purushottam Kurdia	...	Petitioner
vs.		
Purushottam J. Kurdia and Ors.	...	Respondents

Mr. Rakesh Agrawal for the Petitioner.
Mr. Mandar Limaye for the Respondents.
Ms. Pallavi N. Dabholkar, APP for the State.

**CORAM : A. K. MENON, J.
DATE : 27th JUNE, 2017**

P.C.:

1. The facts in the present case justify final disposal at the stage of admission. Rule. Rule returnable forthwith. By consent of parties, taken up for final disposal. By this application the petitioner challenges order dated 5th June, 2017 [Exh-27] being application for taking charge-sheet on record and to exhibit certain documents produced by the applicant in the list of documents filed alongwith affidavit of evidence. The same were not taken on record.

2. Learned Counsel for the petitioner states that the list of documents is as per appearing in Exhibit-B in this petition which have been filed in the Domestic Violence proceedings before the Magistrate Court. There are 9 items in the list of which item nos 1 to 6 are not in dispute. Learned Counsel for the respondent states that his clients have objected to item no. 7, 8 and 9. On perusal of the list, it

indicates that the said items are copies of the non-cognizance complaint dated 9th October, 2015 , FIR dated 29th October, 2015 and certified copies of Election papers, records pertaining to election held and where at respondent no.1 is stated to have contested. Today, it is not in dispute that item nos. 1 to 6 in the said list have not been objected to and hence same can be exhibited.

3. learned Counsel for the petitioner states that the witnesses who have been examined namely applicant and her father and brother have already given evidence and they will not be recalled. It is not in dispute that evidence is not closed. In the circumstances, the items being more in the nature of public record there is no impediment in the same being exhibited. Learned Counsel for the respondent now states on instructions of his client that he has no objection to the document being exhibited provided the witnesses will not be recalled.

5. In the circumstances, I pass the following order :

- (i) The document at items 1 to 6 may be exhibited subject to the rider that the witnesses Rekha Kurdia, Jeetnarayan Kurdia and Bhagirath Kurdia will not be recalled.
- (ii) Petition is disposed of in the above terms.
- (iii) No costs.

(A. K. MENON, J.)