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

CRIMINAL WRIT PETITION NO.4787 OF 2017

Ramling Kamble and ors	...	Petitioners.
V/s.		
State of Maharashtra	...	Respondent

Mr. Kuldeep S. Patil, for the Petitioners
Mr. V. V. Purwant, for complainant.
Mrs. M.R. Tidake, APP for the Respondent
State.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE :19th DECEMBER, 2017.

P.C. :

1] Heard learned counsel for the petitioner and learned AGP.

2] By this petition, learned counsel for the petitioner is challenging the order dated 27.9.2017 passed by the Additional Sessions Judge, Sangli, thereby allowing the application filed by the prosecution for producing documents relating to tower location and cell phone of which C.D.R. record is already produced. This application was strongly resisted by the petitioner. However, the trial Court considering the provisions of law and the authority cited before it, allowed the production of the documents holding that these documents are admissible in evidence. The documents are also

exhibited accordingly.

3] The submission of learned counsel for petitioner is that without requisite certificate as laid down in Section 65(B) of the Evidence Act, the documents could not have been admitted.

4] As the controversy involved is very limited and the proper evidential value of these documents, whether they can be read in evidence or not without certificate under Section 65(B) of the Evidence Act can be decided at the time of judgment, learned counsel for petitioner also fairly concedes that keeping open the said point to be decided at the time of judgment, he has no objection to allow those documents to be exhibited on record .

5] Accordingly Writ Petition is disposed of. The issue as to admissibility and evidential value of these documents which are marked as Exh.157 and 158 is kept open, to be decided at the time of judgment, in the light of objections raised by learned counsel for the petitioner.

[DR.SHALINI PHANSALKAR-JOSHI, J.]