

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

CRIMINAL APPLICATION (APL) NO.742 OF 2016

Sanjay s/o Narayan Lande

..VS..

State of Maharashtra, through P.S.O. P.S. Barshitakli, Investigated by Anti
Corruption Bureau, Akola, Taluka and District Akola

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

Court's or Judge's Order

Shri H.M. Mohta, Counsel for the applicant.
Ms T.H. Udeshi, Addl.P.P. for the applicant/State.

CORAM : V.M. DESHPANDE, J.
DATED : JULY 11, 2017.

Heard learned counsel Shri H.M. Mohta for the
applicant and learned Additional Public Prosecutor Ms T.H.
Udeshi for the applicant/State.

By the present application, the applicant is
seeking to assail order passed by learned Additional Sessions
Judge, Akola dated 9.6.2016 by which learned Judge of the Court
below rejected application below Exhibit 3 which was moved by
the present applicant before the Sessions Court for producing
C.D.R. and S.D.R. in respect of Cellphone numbers of Amol
Kadole and Atul Ingle.

According to learned counsel Shri H.M. Mohta for

the applicant, the preservation of the C.D.R. is absolutely necessary since it is defence of the present applicant that at particular point of time these two witnesses were panch-witnesses in other case. He has invited my attention to the reported decision of this Court in the case of The State of Maharashtra vs. Vinod Jagannath Chaudhari, reported at 2016 ALL MR (Cri) 4344 to buttress his point.

It is to be noted that Amol Kadole and Atul Ingle are pancha-witnesses in trap case in which the present applicant is accused. It is not the prosecution case that at any point of time there was a telephonic conversation between the accused or any of the pancha-witnesses. So also, it is not the case of the prosecution that at any point of time there was a telephonic conversation between the pancha-witnesses and the investigating officer and the complainant in respect of the present case. When it is not the case that at any point of time there was a telephonic conversation by pancha-witnsses, C.D.R. and S.D.R. are not at all necessary. It is for the prosecution to prove its case.

Insofar as the reported decision cited *supra* is concerned, the facts of the said case show that there was a conversation between the investigating officer and the complainant. Therefore, this Court directed for preservation of

the C.D.R. of the complainant and the investigating officer in that case.

No case is made out. Learned Judge of the Court below has correctly rejected the application warranting no interference. The application is rejected.

JUDGE

!! BRW !!