

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION No. 3018 OF 2018

Mahadeo Dattatraya Matala ... Petitioner
Vs.
Sujata baburao Sonawane & Anr. ... Respondents

Mr. Lakshyaved R. Odhekar, for the Petitioner.

Mr. Ajay Patil, APP for the Respondent - State.

CORAM : PRITHVIRAJ K. CHAVAN, J.
ATE : AUGUST 6, 2018

PC :-

1. At the request of the learned counsel for the Petitioner, leave to delete prayer clause (a) is granted. Amendment to be carried out forthwith.
2. Heard the learned counsel for the Petitioner. Petitioner is facing a trial in the J.M.F.C. Court at Nashik under Section 138 of Negotiable Instruments Act, 1881. The trial is at the stage of cross-examination of the original complainant / Respondent No. 1 herein. The Petitioner has moved an application under S. 91 Cr. P.C. seeking direction to the complainant to produce certain documents, such as Adhar card,

pan card of the complainant and certain other documents to substantiate his defence. The trial court by the impugned order dated 19.1.2018 rejected the application by stating that the applicant has not assigned any reason as to why he has sought production of those documents. As a matter of fact, as per Section 91 Cr.P.C., such application was not tenable. The Petitioner is at liberty to obtain the documents for substantiating his defence, as per law.

3. Since the matter is at the stage of cross-examination of the complainant in the trial court, reasonable time is required to be granted to the Petitioner for obtaining those documents in order to substantiate his defence. As such, the Petitioner is granted liberty to move the trial court, seeking appropriate time, which prayer the trial court shall consider in the facts and circumstances of the case by granting reasonable time to the Applicant. In view of the aforesaid observation, nothing survives in the petition. Writ petition stands disposed of with liberty, as above. There is no order as to costs.

Sd/-
[PRITHVIRAJ K. CHAVAN, J.]