

nsc.

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

WRIT PETITION NO.3290 OF 2017

Anand Basantkumar Agarwal	...Petitioner
Versus	
E. Chandramohan and Anr.	...Respondents

Mr.Ganesh Bhujbal, for the Petitioner.

Mr.H.J.Dedhia, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 9th JANUARY, 2018

P.C. :

1. Heard learned counsel for the parties.

2. By this petition, the petitioner has impugned the order dated 14th June, 2017, passed by the learned Metropolitan Magistrate, 20th Court, Mazgaon, Mumbai, in C.C.No.635/SS/2016, by which the petitioner's application praying for a direction under Section 91 of Code of Criminal Procedure, to the respondent-accused to produce the documents mentioned in the application for effective cross examination, came to be rejected.

3. Learned Counsel for the petitioner submits that the said documents are crucial and the learned Judge ought to have directed the respondent-complainant to produce the said documents mentioned in the application (Exhibit – 32).

4. Perused the papers as well as the impugned order dated 14th June, 2017. The learned Judge has rightly observed in para 5 of the order, that the witness or complainant cannot be compelled to produce the documents, even if it is in his possession and at the most an adverse inference can be drawn against the complainant. The said order cannot be said to be either perverse or unsustainable, warranting interference in writ jurisdiction.

5. Accordingly, the petition is rejected and disposed of as such.

6. It is made clear, that the learned Judge shall decide the case on its own merits, uninfluenced by the rejection of the aforesaid petition.

REVATI MOHITE DERE, J.