

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

CRIMINAL WRIT PETITION NO.4816 OF 2018

Shri Jayesh Arjun Katira

... Petitioner

Vs.

The State of Maharashtra

... Respondent

Ms.Suvarna A. Vast for the Petitioner

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: DECEMBER 7, 2018

P.C.:

1. Upon urgent mentioning, taken on Production board.
2. Rule. By consent of the parties, Rule made returnable forthwith and heard finally.
3. This petition is directed against the order dated 1.9.2018 passed by the learned Special Judge under POCSO, Greater Mumbai below exhibit 104 in POCSO Special Case No.481 of 2014 and rejecting the application made u/s 91 of the CRPC for issuance of directions to the police or a nodal officer to produce the CDR of victim PW1 and the CDR of one Taufiq, her friend. The

accused is facing prosecution under sections 376 and 506 of the Indian Penal Code read with sections 4 and 8 of Protection of Children from Sexual Offences Act, 2012 and section 66A of the Information Technology Act. The entire evidence is recorded and the statement of the accused u/s 313 is also recorded. At that time, the accused has moved for the CDRs of the victim girl and one Taufeeq. The learned Judge has rejected the said application.

4. I have heard the submissions of the learned Counsel. Considered the evidence before the Court and I am of the view that the order of rejection of the said application is correct. No illegality is found with the said order. Hence, the petition is rejected. However, the trial Court to note that u/s 91 of the CRPC, the Court has power to seek any document and if required and necessary to do justice, may be in favour of the prosecution/victim, or of the accused can be called.

5. Petition is dismissed. The trial Court to proceed with the matter.

(MRIDULA BHATKAR, J.)