

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

CRIMINAL APPLICATION No.1364 OF 2018

Pradeep Narayan Udeshi

... Applicant

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.R.D. Bindre for the Applicant

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

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: DECEMBER 12, 2018

P.C.:

1. Today, the Police Inspector of the VP road police station tenders, through the learned Assistant Public Prosecutor, a letter dated 12.12.2018 addressed to the Public Prosecutor that no reports in respect of Observation Home and Asha Sadan are available with the police. The letter is taken on record.

2. In the present criminal application, the applicant/accused has challenged the order dated 25.10.2018 passed by the learned 5th Additional Sessions Judge, Greater Mumbai in POCSO Case No.388 of 2014. The applicant/accused has moved application for production of the document under section 91 of the Code of

Criminal Procedure. Out of those documents, some documents were provided. In the roznama dated 25.10.2018, the learned Sessions Judge has observed that the documents which are mentioned in clause Nos."c", "d" and "e" at exhibit 9 are not produced. So the learned Judge has observed that there is sufficient compliance of the application made by the accused for production of the documents and the accused may take steps as permissible under the law. The learned Counsel for the applicant/accused while challenging the said order has submitted that the records of the Asha Sadan and Observation Home at Umerkhadi of the victim girl are available. He submits that under the RTI, he has obtained a letter from the same police station and also from the Observation Home. As per the Observation Home report, the victim was in their custody from 21.1.2014 and as per the police report, she was taken in custody on 29.1.2014. The submissions of the learned Counsel are taken down. However, no order can be passed in respect of bringing such record to the police in view of the report given by the police on 12.12.2018. It is upto the learned Counsel for the accused to develop his defence on the basis of these documents.

3. With this, as no such order in respect of calling for the Umarkhadi Observation Home or Asha Sadan report can be passed by the Court, the application is dismissed. It is upto the trial Court during the course of the trial that if it thinks fit and required to find the truth, may call for the same.

(MRIDULA BHATKAR, J.)