

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5386 OF 2017

Pungaliya Land Property	..Petitioner.
V/s.	
The State of Maharashtra & Ors.	..Respondents.

Mr.Abhishek Bhaduri for the petitioner.

Ms.S.S.Shukla, APP for the respondent-State.

Ms.Prachi Tatake for respondent No.2.

CORAM: NITIN W.SAMBRE, J.

DATE : APRIL 26, 2018

PC.:-

Heard the learned counsel for the petitioner.

2. At the stage of cross-examination of the complainant by the accused, in exercise of power under section 311 of the Code of Criminal Procedure, the complainant was permitted to produce documents as prayed below Exhibit-47 by the learned Judicial Magistrate First Class, Khadki, Pune on November 7, 2017 which is impugned in the present petition.

3. The learned counsel for the petitioner submits that such

course is not available to the accused as the object with which section 311 of the Code of Criminal Procedure is incorporated is required to be appreciated. He would then urge that stage at which the said documents is permitted to be produced has also got to be looked into as such permission amounts to filling in the lacunas.

4. The learned counsel for respondent No.2 opposed the said the petition and claimed that by the order impugned only production of the documents is allowed and not the contents of the documents are declared to be proved by exhibiting the documents.

5. In view of the observations made by the learned Magistrate in paragraph 3, I hardly notice any prejudice, caused to the petitioner-accused at this stage, particularly when only production is permitted.

6. Keeping the rights of the accused open, for questioning the order if any, passed at behest of the respondent-complainant in respect of the opportunity to prove said documents at an appropriate stage, I do not find any cause which warrant interference in this revision. Hence the petition is dismissed.

(NITIN W.SAMBRE, J.)