

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

WRIT PETITION NO. 5749 OF 2018

Dinesh alias Sunny Rameshkumar Bisht ...Petitioner

Versus

The State of Maharashtra ...Respondent

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Mr.Tapan Thatte for the Petitioner.
Mr.A.R.Patil for the Respondent-State.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: DECEMBER 21, 2018**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. This Petition is directed against the order dated 14th December, 2018 passed by the learned Additional Sessions Judge, Greater Mumbai, thereby rejecting the application below exhibit 127 in Sessions Case No. 980 of 2015.
3. The petitioner/accused is facing a charge of murder. During the cross-examination of PW 22, the learned defence counsel moved an application under section 294 of the Code of Criminal Procedure, 1973 ("the Cr.P.C.") calling upon the prosecution to

admit and deny the documents. The prosecutor objected the same. The learned Judge has stated that such application cannot be moved by the defence during the cross-examination of the witness for prosecution and if the accused wants to rely on the application or any document, that can be done at the time of recording of the statement of the accused under section 313 of the Cr.P.C.

4. The learned counsel for the petitioner/accused has submitted that the petitioner/accused wanted to show a photograph and a video clip. He has further submitted that the application was moved two days prior to witness was put into box, however, it was rejected.

5. The learned APP while opposing this Petition, has supported the order passed by the learned Sessions Judge.

6. Perused impugned order. The order *per se* wrong in view of section 294 of the Cr.P.C. and also in view of the parameters of the cross-examination as laid down in the Evidence Act. Hence, I set aside the order dated 14th December, 2018 passed by the learned Additional Sessions Judge, Greater Mumbai. The prosecution may give reply to the application filed under section 294 of the Cr.P.C.

Copies of the documents are to be furnished to the prosecution.

These are the documents of the accused and he can show these documents in the cross-examination and put questions on it.

7. Writ Petition is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)