

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1210 OF 2019

Clique Finvest Private Ltd. : Applicant.
Versus
Cherry Fashions Ltd. and ors. : Respondents.

Mr. R Sathyanarayanan for the Applicant.
Mr. N B Patil, APP for the Respondent/State.

CORAM : S. S. SHINDE, J
DATE : 18th September 2019

P.C.

1 Heard Mr. R Sathyanarayanan, the learned counsel appearing for the Applicant. He invites attention of this Court to Chapter XX of the Criminal Manual, and in particular Clause (3) thereof, and submits that when an application was filed by the Applicant for return of original documents, the Trial Court ought to have considered his prayer keeping in view the aforesaid provision, however, the learned Judge without assigning any reason in the impugned order has rejected the said application of the Applicant for return of original documents and allow him to place on record certified true copies of the said documents on record.

2 In the light of the aforesaid submission of the learned counsel for the Applicant, it would be apposite to reproduce the said provision of Chapter XX of Criminal Manual for ready reference :-

Chapter-XX
Records
Custody and Return of Records

(i).....

(ii).....

(iii) The Court may, however, on an application filed in that behalf, for reasons to be recorded in writing, return any original document to the applicant on the applicant giving an undertaking to produce the same whenever required to do so and filing a true copy of the original document, the return of which is applied for.

2 Issue notice to the Respondents, returnable on 27/09/2019.

3 In addition to regular mode of service, the Applicant to serve the Respondents by alternate mode of service such as Fax/E-mail/Courier and shall file affidavit of service with tangible proof before the returnable date.

4 The learned APP waives service of notice on behalf of Respondent/ State.

5 Office objections, if any, to be removed on or before the next date, failing which the Criminal Application shall stand dismissed for want of prosecution without further reference to the Court.

6 In so far as office objection regarding furnishing English Translation of document is concerned, the learned counsel appearing for Applicant to give an undertaking that as and when the English Translation is required by the Court, the same will be furnished by him.

[S. S. SHINDE , J]