

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1346 OF 2021
IN
CRIMINAL APPEAL NO.910 OF 2018

Central Bureau of Investigation, EOW
versus

Applicant

1. P.Vishwanadhan

2. The State of Maharashtra

Respondents

Ms.Ameeta Kuttikrishnan, Special PP. for applicant in IA.

Mr.Satyavrat Joshi for original appellant in Appeal.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th July 2021

PC :

1. The application is preferred by the applicant CBI with following prayers :

“(i) Exh.344 – Agreement vide registration No.8355/2008 of the Sub Registrar, Haveli XII, Pune along with Index-I and II for sale of property, Flat No.4, Ground Floor, Prithvi Park, Kondhwa, Pune between M/s.Prithvi Developers and Shri Sandeep Ashok Patil;

(ii) Exh.688 – Agreement vide registration No.8354 of 2008 of the Sub Registrar, Haveli XII, Pune along with Index-I and II for sale of property, Flat No.19, 4th Floor, Prithvi Park, Kondhwa, Pune, between M/s.Prithvi Developers and Shri Sandeep Arun Deshmukh, received in Criminal Appeal No.910 of 2018, may kindly be provided to the Applicant for obtaining Expert’s opinion”.

2. Respondent no.1 has preferred Criminal Appeal No.910 of 2018 challenging judgment of conviction. Learned counsel for

applicant submit that aforesaid documents are required for sending them for handwriting expert's opinion. On 13th January 2021 the absconding accused no.4 Sandeep Patil @ Tudor Richard Niamey @ Suresh Nagraj is arrested. He is in judicial custody. Additional charge sheet has been filed against him. During the course of investigation the specimen signature of accused no.4 Sandeep Patil @ Tudor Richard Niamey @ Suresh Nagraj has been obtained for analysis after due permission of Court. It is submitted that qua accused no.4 as stated above, the documents are required to be forwarded for expert's opinion. It is submitted that aforesaid documents are part of record and proceedings which are before this Court in connection with Criminal Appeal No.910 of 2018.

3. In the circumstances, prayer for furnishing the documents can be allowed without prejudice to the rights and defenses of all the accused. Hence, I pass following order :

ORDER

(i) Interim Application is allowed in terms of prayer clause 11(a) (i) and (ii) of the Interim Application, and stands disposed of on condition that as and when the said documents are required in Criminal Appeal No.910 of 2018, the same shall be produced by applicant before this Court. No order as to costs.

(PRAKASH D. NAIK, J.)

MST