

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1474 OF 2021

Shri Prashant s/o Bansidhar Sathe
and others

... PETITIONERS

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. Aniruddha A. Nimbalkar, Advocate for petitioners
Mr. S.P. Sonpawale, A.P.P. for respondents
.....

CORAM : R. G. AVACHAT, J.

DATE : 20th JANUARY, 2022

PER COURT :

Heard. The challenge in this petition is to the order dated 26/11/2021, passed by learned Additional Sessions Judge, Ambajogai below Exh.41-D and 42-D in Sessions Case No.71/2016. It appears that, the first informant is the wife of the accused No.1, petitioner herein. He is being prosecuted for the offence punishable under Sections 307, 498-A, 323, 504 read with Section 34 of the Indian Penal Code. The trial commenced. While the first informant was being examined in chief, she tendered in evidence a copy of complaint that was filed by her to the

concerned police station. The trial Court allowed the production of the said document. The said order is under challenge herein.

2. Learned counsel for the petitioners would submit that, the witness cannot seek production of document in a trial of an offence. The document must come through the prosecution agency.

3. There cannot be any dispute over what has been submitted by the learned counsel. It appears that, the document, production of which has been granted, is very much relevant in the matter. The learned A.P.P., incharge of the case can, therefore, take a call to produce the said document on behalf of the prosecution agency. He shall place it on record along with an application for production thereof. The trial Court would do well to pass order on such application after hearing the petitioner herein.

4. In view of the aforesaid, the petition stands allowed in terms of prayer clauses (A) and (B) and disposed of.

**(R. G. AVACHAT)
JUDGE**

fmp/-