

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

CRIMINAL WRIT PETITION NO.1811 OF 2019

Sanjay Suresh Neve

... PETITIONER

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. G.V. Wani, Advocate for petitioner
Mr. R.B. Bagul, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 7th JANUARY, 2022

PER COURT :

Heard. The challenge in this Writ Petition is to the order dated 5/10/2019, passed by the lerned Additional Sessions Judge, Jalgaon on applications below Exh.111 and 112 in ACB Case No.27/2015.

2. The petitioner herein is being tried for the offence under the Prevention of Corruption Act. The evidence of the Municipal Commissioner was underway in proof of sanction for prosecution of the petitioner herein accorded by him. Certain documents (enlisted in Exh.111) were sought to be

confronted to the Municipal Commissioner during his cross-examination. The documents were issued to the petitioner herein by the Municipal Corporation under the Right to Information Act. Thus, it prima facie appears that the documents may have some relevancy. The Commissioner expressed his inability to depose concerning those documents unless he goes through the original record. The petitioner herein, therefore, moved the application for sending of the original record. The trial Court turned down the application with the reason that the petitioner herein can very well prove those documents when his turn would come to lead evidence in his defence.

3. The documents have been issued by the Municipal Corporation under the Right to Information Act. The petitioner herein can very well tender those documents either during his examination under Section 313 of the Code of Criminal Procedure or in his defence evidence, if he so desires. Since the documents have been issued under Right to Information Act, and form part of the record, kept in official capacity by the Municipal Corporation, the documents may be said to be public documents. If the trial Court finds those documents to be relevant, it may read those documents in

evidence as it is, or give opportunity to the petitioner herein to examine his witness in proof thereof. Needless to mention that, the accused is not expected to make out his defence in absolute terms. Mere production of the public documents which have been issued by the Municipal Corporation itself may even serve the purpose. The call is, however, to be taken by the trial Court in this regard. In view of these observations, the petition stands disposed of.

4. The trial Court to conclude the trial within a period of six months from the date of receipt of copy of this order.

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

fmp/-