

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2423 OF 2022

Deepak Dagadu Adaskar

Petitioner

versus

The State of Maharashtra

Respondent

Mr.Ninad Muzumdar, Advocate for petitioner.

Mr.Arfan Sait, APP, for State.

API M.D.Bhosale, Kamothe Police Station, Navi Mumbai, presant.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th July 2022

PC :

1. The petitioner had preferred application u/s.91 of Code of Criminal Procedure seeking production of certain documents relating to departmental enquiry conducted against him. Learned Magistrate vide order dated 21st June 2022 rejected said application on the ground that accused has not given details as to departmental enquiry number, name of enquiry officer and thus information sought by defence is vague. The Trial Court also observed that applicant can obtain certified copies of documents from the departmental enquiry and place them on record.

2. Learned advocate for petitioner submitted that documents relating to enquiry dated 12th June 2020 were annexed to the application. It is further submitted that petitioner had attempted to get the documents through Right to Information Act.

3. In these circumstances, petitioner can be permitted to prefer a

fresh application before Trial Court by furnishing all the requisite details.

ORDER

- (i) The order dated 21st June 2022 passed by Additional Chief Metropolitan Magistrate, 11th Court, Kurla, Mumbai is set aside;
- (ii) The petitioner is permitted to prefer fresh application seeking documents vide Section 91 of Cr.PC by furnishing all details;
- (iii) The Trial Court shall decide the application in accordance with law, without being influenced by previous order;
- (iv) The petitioner shall prefer such application expeditiously;
- (v) Writ Petition stands disposed off.

(PRAKASH D. NAIK, J.)

MST