

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1373 OF 2021

Haresh Tilokchand Bhatia ...Applicant
Versus
Dilip Purshottam Thakkar & ors. ...Respondents

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KULKARNI

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Mr. Anil Lalla, a/w Aditya Singh, for the Applicant.
Ms. Anamika Malhotra, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 19th APRIL, 2022

PC:-

1. Heard the learned Counsel for the applicant.
2. The challenge in this application is to the exhibition of the documents by the learned Judicial Magistrate, First Class, Cantonment Court, Pune, in CC No.902 of 2013.
3. The learned Counsel for the applicant submits that accused no.1 - respondent no.1 had filed an application under Section 294 of the Code of Criminal Procedure, 1973 (Exhibit-I to the petition) seeking production of the documents. The applicant had objected to the admissibility of those documents, yet, by an order dated 27th November, 2021, all those documents have been exhibited.
4. Perused the order-sheet dated 27th November, 2021.

5. It records: documents exhibited.

6. In the backdrop of the aforesaid nature of the challenge in the instant petition, it would suffice to clarify that mere exhibition of documents is not proof of the documents much less contents thereof. The applicant would be at liberty to adopt appropriate steps, as permissible in law, to contend that the documents are not legally proved in evidence.

7. In the petition, there is also a prayer for transfer of the proceedings from the Court of JMFC, Pune, to the Court of Metropolitan Magistrate, Mumbai. The learned Counsel for the applicant invited the attention of the Court to the order passed by this Court on 26th July, 2021, whereby the trial was expedited and the evidence of the applicant was directed to be recorded expeditiously and, in any event, within four weeks from the date of the said order. The learned Counsel for the applicant made a grievance that the aforesaid order has not been complied with.

8. Evidently, the direction to record evidence of the applicant, within the stipulated period, could not be complied with. However, expeditious conclusion of the trial depends upon the extent of cooperation of the parties and their Counsels as well.

At this stage, since the trial has commenced it would not be expedient to consider the prayer for transfer of the proceeding.

9. The learned Magistrate is, however, requested to make an endeavour to complete the trial as expeditiously as possible keeping in view the directions of this Court in the order dated 26th July, 2021.

10. The parties shall also render necessary cooperation and shall not seek adjournment except in case of an exceptionally unavoidable circumstances.

11. Application stands disposed.

[N. J. JAMADAR, J.]