

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 94 OF 2023

RAHUL BHIKULAL KASAT
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr. Ghanekar Nilesh S.
APP for Respondent/State : Mr. Y. G. Gujarati

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CORAM : KISHORE C. SANT, J.
DATE : 19th APRIL 2023.

Per Court :

Heard both sides.

1. A challenge is to an order dated 15.12.2022, whereby the application of the petitioner/accused came to be decided. By way of application, Exhibit-84, the petitioner had sought direction to the prosecution to produce statements of one Satish Karwa and Seema Suresh Karwa recorded by Dy. S.P. Pal and of one Khandu s/o Baburao Banduke and Dadasaheb s/o Tulsidas Lipne recorded by the Investigating Officer.

2. The prosecution filed say stating that statements of Satish Karwa and Seema Karwa are not recorded by the Investigating Officer. The prosecution further shows readiness to supply copies of statements of Khandu Banduke and Dadasaheb Lipne, those were recorded by the I.O. The learned Court below therefore recorded that the prosecution is ready to supply the copies of the statements of Khandu Banduke and Dadasaheb Lipne directed the same to be supplied to the accused. Since it is already recorded that statements of two persons are not recorded, no specific order is passed.

3. The learned Advocate for the petitioner submitted that in the statements of the complainant himself it has come that statements of Satish Karwa and Seema Karwa were recorded by the Dy. S.P. Pal and therefore such statements are required to be given to them. He further submits that even the accused himself was present at the time, when search of deceased was carried and therefore he has personal knowledge that the statements of these witnesses were recorded.

4. The learned APP submits that the prosecution is specifically saying

that no such statements were recorded of those two persons. There is no question of giving direction to supply such statements to the accused. So far as the statements which are recorded, he submits that already prosecution had shown readiness to supply the same to the accused.

5. This Court finds that the order passed by the learned Additional Sessions Judge does not suffer from any illegality. The Court has rightly recorded that the statements which are recorded to be supplied to the accused and secondly in respect of alleged statements which are not recorded, no order is passed. This Court finds that no interference is called for and the petition deserves to be dismissed. Thus the petition stands dismissed accordingly.

[KISHORE C. SANT, J.]

Najeeb.