

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL WRIT PETITION NO.1185 OF 2023

KRUSHNA SANJAY SURVE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioner : Mr. Nilesh S. Ghanekar
APP for Respondent – State : Mr. S.P. Sonpawale

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CORAM : R. M. JOSHI, J.
DATE : SEPTEMBER 07, 2023

PER COURT :

. This petition takes exception to the order dated 04.08.2023 passed by learned Additional Sessions Judge, Shrigonda below Exh.25 in Sessions Case No.80 of 2022 refusing to provide copy of electronic record on technical ground that record is not found in pen drive as claimed in the application and deferring providing of statement of one witness to the appropriate stage.

2. During the course of hearing of the petition, it is revealed that the demo is not recorded in the pen drive in the memory card. The learned Trial Court therefore ought not to have rejected the said request merely for reason that in stead of memory card pen drive is mentioned.

3. Learned APP makes a statement before this Court that copy of the said memory card shall be provided to the accused persons. Thus grievance of accused to this extent gets redressed. The learned Trial Court therefore to direct the prosecution to provide copy of the memory card in a pen drive to the accused persons.

4. As far as providing confidential statement of one of the witnesses is concerned, on instructions, learned APP makes a statement that considering possible threat to witness, two days before commencement of evidence of the prosecution, the said statement would be provided without disclosing identity of witness. Learned counsel for the petitioner / accused accepts the said proposal with rider that if more time is required for preparation of defence, Trial Court be directed to consider such request.

5. It is needless to emphasize that the accused is entitled to know entire material against him before commencement of recording of evidence of prosecution to set up his defence. At this stage, the statement made by the learned APP about providing confidential

statement before two days of the commencement of the evidence is accepted. Learned Trial Court, however to consider request made by defence about inability to prepare their defence within a period of two days and to give reasonable opportunity to the defence.

6. Petition stands disposed of in above terms.
7. Parties to act upon authenticated copy of this order.

[R. M. JOSHI]
JUDGE

GGP