

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

CRIMINAL WRIT PETITION NO.1403 OF 2023

**THE STATE OF MAHARASHTRA
VERSUS
PANKAJ HARI MALI AND ANOTHER**

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APP for Petitioner : Mr. S. P. Sonpawale
Advocate for Respondent No. 1 : Mr. S. T. Mahajan
Advocate for Respondent No. 2 : Mr. N. D. Batule

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**CORAM : R.M. JOSHI, J
DATE : OCTOBER 30, 2023**

PER COURT :

1. Prosecution seeks to challenge the order dated 20.05.2023 passed below Exh. 139 in Special (ACB) Case No. 11/2016 whereby the Superintendent (Technical) was directed to prepare transcript of the conversation contained in memory card in presence of learned APP and learned Advocate for the accused to submit detailed report.

2. Learned APP submits that there was no reason for passing said order because the transcript of the conversation is already filed along with charge-sheet.

3. Learned Counsels for Respondents submits that in fact though order was passed below Exh. 96 on 03.10.2022 directing the same exercise to be done by Superintendent, and this order was complied but

transcript was not prepared properly. In such circumstances, the further order passed by the trial Court which cannot be faulted with.

4. There is no dispute about the fact that by order dated 03.10.2022 initial direction was given for preparation of transcript of conversation connected with the crime. The said order was never taken exception to by prosecution. The impugned order passed is only in furtherance of the previous order. No fresh decision is taken in order to give cause of action to the prosecution to challenge the said order. Even otherwise, the direction is issued only to ensure that proper transcript is placed on record and this in fact aims at transparency. No prejudice much less any irreparable loss could be said to have been caused to either side.

5. In such circumstances, neither prosecution nor accused can claim prejudice is caused to them. Hence, there is no substance in the Petition. Petition stands dismissed.

(R. M. JOSHI, J.)