

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1931 Of 2023

Swapnil Narendra Jadhav

.. Petitioner

Versus

The Central Bureau of Investigation Anti .. Respondent
Corruption Bureau, Pune

...

Mr. Shekhar Jagtap with Sairuchita Chowdhary i/b J. Shekhar &
Co. for the petitioner.

Mr. H.S. Venegavkar for the CBI.

Mr.Y.M. Nakhwa, APP for the State

CORAM: BHARATI DANGRE, J.

DATED : 11th SEPTEMBER, 2023

P.C:-

1 Heard learned counsel Mr.Jagtap for the petitioner who is aggrieved by an order passed by the Special Judge in ACB Special Case No.7/2016, thereby rejecting the application filed by the accused seeking production of the documents before cross-examining the Investigating Officer who is in the witness box.

The documents are sought on the premise that they are necessary to be produced before the Investigating Officer is subjected to cross-examination are of the following description :-

- “(1) Complaint sub module of crime module from 21.03.2016 to 02.04.2016
- (2) Temporary complaint register, 21.03.2016 to 02.04.2016.
- (3) Crime register, original register of year 2016 kept in CBI office, Akurdi, Pune.
- (4) Case diary.”

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2 As far as Section 207 of Cr.P.C, the accused is entitled to the copy of the police report which shall include the First Information Report as well as the statements recorded u/s.161, of those witnesses which the prosecution intend to examine as well as the confessions and statements recorded u/s.164 of Cr.P.C.

Sub-clause (v) of Section 207 of Cr.P.C also contemplate supply of other documents or relevant extract thereof, which is forwarded along with the police report to the Magistrate under sub-section (5) of Section 173 of Cr.P.C.

It is thus the entitlement of the accused to have the said documents, since the prosecution intend to rely upon them.

3 When the application is perused, it is apparent that except the case diary, the documents sought in form of the modules and complaint register are the internal documents of the CBI maintained by it, in the course of the steps being taken by it while investigating the crime.

When I inquired with Mr.Jagtap as to what is the provision in law under which he is seeking these documents and particularly, at the stage when the Investigating Officer is already examined by the prosecution, and when he has not even whispered about the said documents, Mr.Jagtap could only lay his hands upon Section 172 of Cr.P.C, which relate to maintenance of the diary of proceedings in investigation.

4 It is a trite position of law that this police diary is not an evidence, but it may act in aid of an inquiry of a trial and the Court, if necessary, may call for the same.

The document at Serial Nos.1 to 3 is apart from the case diary and since the prosecution itself has not relied upon the said documents, I do not find any illegality in the learned Special Judge rejecting the request.

Upholding the impugned order, petition is dismissed.

(SMT. BHARATI DANGRE, J.)