



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

CRIMINAL APPLICATION NO.1006 OF 2023

The State of Maharashtra

...Applicant

Versus

Ketan @ Monya Balasaheb @ Dattatraya Saste
@ Jadhav & Ors

...Respondents

Mr. Prashant Hagare, Advocate for Respondent.
Mr. Arfan Sait, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 31st AUGUST 2023

PC :

1. The State of Maharashtra has challenged the order dated 19th July 2023 passed by the Additional Sessions Judge, Baramati below Exhibit 144 in Sessions Case No.167 of 2017. During the course of trial, the prosecution examined PW-14, who was a Nodal Officer of a Telephone Service Provider. He produced C.D.R. There was a reference to the cell ID Nos. 1 and 2. According to the prosecution, they were referring to two tower locations and it was necessary to explain the Code Identification Numbers and, therefore; the prosecution wanted to produce the documents explaining the code of the tower location. This Application was rejected by the learned Additional Sessions Judge on the ground

that the additional documents could not be produced by the witness as it would cause prejudice to the Accused.

2. Learned APP submitted that the documents explaining the tower location were important to explain the C.D.R. record which was already produced on record and, therefore, nothing new was being introduced. In any case the Accused would get sufficient opportunity to cross-examine the witness.

3. Learned APP on instructions states that this Application was affirmed on 2nd August 2023 by the Police Sub-Inspector, Yavat Police Station, Pune. On that very date i.e., on 2nd August 2023, the Accused had given purshis in the said Sessions Case mentioning that the Accused had no objection for filing / producing of additional documents by PW-14. Today the Accused i.e., the Respondent Nos.1 to 4 are represented by learned Counsel appearing for them. He also supports the submissions made by learned APP and states that these Respondents – Accused have no objection for producing those documents. The certified copy of the purshis dated 2nd August 2023 produced by the learned APP is taken on record and marked 'X' for identification.

4. Considering these submissions, the Application is required to be allowed.

5. Hence, the following order:

O R D E R

- i) The order dated 19th July 2023 passed by Additional Sessions Judge, Baramati below Exhibit 144 in Sessions Case No.167 of 2017, is set aside.
- ii) The prosecution is permitted to produce the documents mentioned at serial Nos.1 to 3 in the Application filed below Exhibit 144 in the said case.
- iii) The prosecution is permitted to refer those documents during examination-in-chief of PW-14.
- iv) With these observations, the Application is disposed of.

(SARANG V. KOTWAL, J.)