

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.1434 OF 2021****WITH****INTERIM APPLICATION NO.5 OF 2023****WITH****INTERIM APPLICATION NO.4007 OF 2022****WITH****INTERIM APPLICATION NO.4005 OF 2022**

Yuvraj Bajrang Kamate

... Petitioner/Applicant

V/s.

The State of Maharashtra

... Respondent

Ms. Ilsa Shaikh h/f Mr. S.R. Phanse appointed Advocate for
Petitioner/Applicant.

Mrs. M.H. Mhatre APP, for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 3rd JANUARY, 2023.

PC. :

1. By the present Petition, Petitioner has requested this Court to direct the concerned to provide CDR Location of the Police Officer who investigated the crime and the copies of station diaries wherein he is an accused.

2. It is the settled position of law that, in a Petition under Article 226 of the Constitution of India, disputed questions of fact including the defence of Petitioner in a case where he is facing trial, cannot be adjudicated.

Petitioner is at liberty to file an appropriate Application before the Trial Court for the said relief, if permissible under the provisions of law.

3. If Petitioner files such an Application before the Trial Court, the Trial Court to consider it without being influenced by the fact that, this Court has granted permission to file such an Application.

4. Petition is disposed off in the aforesaid terms.

5. In view of disposal of Petition, Interim Application Nos.5 of 2023, 4007 of 2022, 4005 of 2022 do not survive and are also disposed off.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)