



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.716 OF 2023

PETITIONER : Amit S/o Suresh Gharde
Aged about 32 yrs, Occ. Working as
Orthopaedic Surgeon at Kuhi
Primary Health Centre, Tah. Kuhi,
Distt. Nagpur, R/o Jaishankar
Sahniwas Apartment, Zenda
Chowk, Chitnispora, Mahal,
Nagpur.

..VERSUS..

RESPONDENT : State of Maharashtra, through
P.S.O. P.S. Ajni, Nagpur.

Mr R. S. Renu, Advocate for Petitioner.
Mr M. J. Khan, Addl. P. P. for Respondent/State.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 3rd OCTOBER, 2023.

ORAL JUDGMENT : (PER : VINAY JOSHI, J.)

. Heard finally by the consent of Mr R. S. Renu,
learned Counsel for Petitioner and Mr M. J. Khan, learned
Additional Public Prosecutor for Respondent/State.

2. The Petitioner, who is facing trial for the offence
punishable under Section 376 of the Indian Penal Code,

1860, seeks that the Trial Court shall direct the Prosecution to supply the copies of photographs allegedly found in the mobile seized from the Petitioner (Accused). It is submitted that the Petitioner has applied to the Trial Court for supply of the copies, but the Trial Court has not decided the Application yet.

3. It reveals that so called photographs are perhaps not the part of the charge-sheet. The learned Prosecutor appearing in Trial Court, while resisting the application demanding the photographs stated that there are clone images. Basing on said reply of A.P.P., the Petitioner (Accused) has asked for supply of copies so as to prepare defence.

4. It is cardinal principle of criminal jurisprudence that if the Prosecution is relying upon any material in support of charge, the copies shall be supplied to the Accused, which is a part of fair trial. In view of that if Prosecution is relying on any clone images or intending to

rely on clone images and experts report, then the copies of the same needs to be supplied to the Accused. Keeping in mind this position, we direct the Trial Court to decide Application Exh-34, within a period of two weeks from the date of receipt of this order. The Trial Court shall put necessary conditions to protect the confidentiality of the photographs if they pertains to the dignity of women.

5. In the light of above directions, the criminal writ petition stands disposed of.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)