



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

93 CRIMINAL WRIT PETITION NO. 262 OF 2023

RAHUL GOPAL SHARDUL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the Petitioners : Mr. Chaudhari N. L.

APP for Respondent/State : Ms.R.P. Gaur

Advocate for Respondent no.2 : Mr. R.M. Gaikwad (appointed)

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 24th June, 2024.

P.C.:

1. By this writ petition, the petitioners are challenging the order passed by the learned Additional Sessions Judge, Dhule below Exhibit-97 in Sessions Case No.83 of 2014 dated 17th December, 2022.

2. It is contention of the learned counsel for the petitioners that it was allegations of respondent no.2 that the petitioners illtreated deceased Rupal on the ground of dowry. Thereafter, Rupal committed suicide by hanging herself. Respondent no.2 lodged the report against the petitioners. On that basis, F.I.R. No.7 of 2014 under sections 306, 304-B, 498-A and 34 of the Indian Penal Code is registered against the petitioners with Mohadi Police Station, Dhule. The police filed charge-sheet against the petitioners. The evidence of some of the witnesses have been recorded by the trial Court. During the pendency of the trial, the prosecution submitted an application below Exhibit-97 and

requested for production of some documents and to exhibit those documents. The learned counsel further submitted that the said application was opposed by the petitioners by filing reply but the trial Court has allowed the said application. The learned counsel further submitted that the offence was registered against the petitioners in the year 2014 and the application for production of documents was filed in the year 2022, therefore, the trial Court should have rejected the said application. Hence he requested to allow the writ petition.

3. It is contention of the learned counsel for respondent no.2 that the additional documents, which respondent no.2 wants to produce on record were in respect of transactions, wedding expenses details, several article purchase receipts from different shops in the nature of clothes etc., colour photographs, marriage invitation card, which prima facie touches to the marriage ceremony of deceased Rupal and her sister Sujata and also touches to the expenditure on account of marriage as alleged in the report. No harm is going to cause to the petitioners, if these documents are taken on record. Trial Court has considered all these aspects and allowed the application, which is legal and proper. The learned counsel for respondent no.2 is relying upon the judgment in the case of ***Niwas Keshav Raut Vs. The State of Maharashtra in Criminal Writ Petition No. 4712 of 2014 dated 28th July, 2015.***

4. It is contention of the learned APP that no harm is going to

cause to the petitioners after allowing the said application. The petitioners will get chance to cross-examine the witnesses. The prosecution wants to prove the case as alleged in the charge-sheet. The documents are relevant with the charges leveled against the petitioners. Trial Court has considered these aspects and passed the well reasoned order. Hence no interference is required in it. Hence she requested to reject the writ petition.

5. I have heard all the learned counsel. Perused the impugned order.

6. While allowing the application, the trial Court has observed that all the documents, which intend to produce on record, are in respect of marriage ceremony of deceased Rupal and her sister Sujata. These documents touches to the marriage ceremony of deceased Rupal and her sister Sujata and also touches to the expenditure on account of marriage as alleged in the report upto some extent. The petitioners have right to cross-examine the witnesses. Production of documents would not cause prejudice to the petitioners. Hence the trial Court has allowed the application for production of documents below Exhibit-97. I do not find any infirmity in it. In my view, the prosecution wants to produce the documents in respect of allegations made in the charge-sheet. There is no taboo for production of documents. This Court in the case of ***Nivas Keshav Raut (cited supra)*** has taken the same view. The petitioners are getting chance to cross-examine the witness.

7. In view of the above, I pass the following order :-

ORDER

- (i) The writ petition is dismissed.
- (ii) Fees of Mr.R.M. Gaikwad, the learned advocate appointed to represent the cause of respondent no.2 is fixed at Rs.10,000/- to be paid through the High Court Legal Services Sub-Committee, Aurangabad.

[SHIVKUMAR DIGE, J.]

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