



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

1021 CRIMINAL WRIT PETITION NO. 1404 OF 2023

THE STATE OF MAHARASHTRA
VERSUS
SURESH HANUMANT SAWANT

...

Advocate for the Petitioner/State : Mr. P. K. Lakhotiya.

Advocate for Respondent : Mr. Swapnil S. Rathi.

...

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 07th August, 2024.

P.C.:

. Heard the learned APP for petitioner and the learned counsel for respondent.

2 By this petition, the petitioner is challenging the order dated 25th April, 2023 passed by the learned Special Judge (ACB), Jalgaon below Exhibit-42 in Case No.1 of 2018.

3 It is the contention of the learned APP for petitioner that the respondent had filed application before the learned Special Judge seeking direction to the Superintendent of the said Court to prepare transcript word to word of the recorded conversation, which is relied by the prosecution. The said application is allowed by the learned Special Judge.

4 The learned APP further submitted that the original memory-card was produced before the Court and the prepared conversation was produced on record. It was tallied in the Court. So, again it was not necessary to give transcription to the respondent. The respondent wants to prolong the trial. But this fact is not considered by the learned Special Judge. Hence, he requested to allow the writ petition.

5 It is the contention of the learned counsel for respondent that the offence punishable under the Prevention of Corruption Act is registered against the respondent. The respondent has right to put his defence. It is prosecution's case that the conversation between the respondent and complainant is recorded in voice recorder. The transcript of it was placed on record. The prosecution is relying on the said transcript, but some words are missing in the said transcription. Hence, the respondent had filed application to prepare fresh transcription of the said conversation by independent person i.e. Superintendent of the Court. The learned Special Judge has passed well reasoned order. No interference is required in it. Hence, he requested to dismiss the writ petition.

6 I have heard both the learned counsel. Perused the impugned order passed by the learned Special Judge. The ACB case

is of the year 2018. While passing the impugned order, the learned Special Judge has observed in paragraph 5 as under:-

“5] Prima-facie it appears that, entire conversation is not transcribed and it is not in sequence. Some portion is skipped. I agree that, such omissions can be brought on record at the time of recording evidence after playing the CD or memory card in open Court. But, said process will turn time consuming and if word to word transcription is made through court officer omissions or contradictions will curtail and will save the time of court while recording the evidence.”

7 Hence, the learned Special Judge has allowed the application. I do not find any infirmity in it. The learned Special Judge has passed well reasoned order. No interference is required in it. Hence, I pass the following order:-

ORDER

- I. The criminal writ petition is dismissed.
- II. As the ACB case is of the year 2018, the learned Special Court is requested to dispose of it, as early as possible.

[SHIVKUMAR DIGE, J.]