



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO. 1550 OF 2024

Pandit Amarsing Rathod

.. Petitioner

versus

The State of Maharashtra

.. Respondent

Mr. H.I. Pathan, Advocate for the Petitioner.

Mr. A. A. A. Khan, APP for the State.

CORAM : S. G. MEHARE, J.

DATE : 24th SEPTEMBER, 2024.

PER COURT :

1. Heard learned counsel for the Petitioner.
2. Issue notice to the State. Learned APP waives service of notice on behalf of the State.
3. Heard finally at the stage of admission.
4. A small question has been raised that the learned Trial Court marked exhibit to the documents filed by the witness during his examination-in-chief. The learned counsel for the Petitioner has raised an objection to exhibit the documents at Exhibit 61, 62 and 71.

5. Perused the remarks of the learned Trial Court on the objections raised by the Petitioner. It does not reflect that the Court has admitted those documents, they are only exhibited. The law is well settled that exhibiting document and proof of document are distinct issues. Mere exhibiting a document does not mean it is proved. The documents are exhibited for identification purpose. Therefore, the Court is of the view that though the documents which were xerox copies are exhibited the Court did not express opinion that those documents are admitted to the evidence. The Petitioner has an opportunity to point out the law on the proof of document at the time of final argument. Reading the remarks of the learned Trial Court as regards exhibiting documents, the Court is of the view that it does not prejudice the right of the Petitioner at this juncture. At the cost of repetition, it may be stated that the right to point out admissibility of those documents still exists and merely exhibiting documents does not mean that those are admissible in evidence. The Court does not find any substance in the Petition. Hence, Petition stands dismissed at admission stage.

(S. G. MEHARE)
Judge