



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 276 OF 2024

State of Maharashtra

... Applicant

Versus

Umaimma Chitalwala

... Respondent

Mr. Chandrakant K. Talekar – Advocate for Applicant-State.

Mr. Sudip Pasbola a/w Ms. Divya Singh, Mr. S. C. Mishra, Mr. Rohan R. Chauhan, Mr. Pranav Gole, Mr. Swaraj Sable, Mr. Rajor Gurunani and Ms. Mrunal Bhide – Advocate for Respondent.

CORAM : S. M. MODAK, J.

DATED : 9th JULY 2024

P.C. :

1. Heard learned Special Public Prosecutor for the Applicant and the learned Advocate Mr. Pasbola for the Respondent – accused.

2. It is true that the matter is expedited by this Court, and now it is supposed to be completed till February 2025. The Court of the Hon'ble Sessions Judge as per order dated 22nd March 2024 was pleased to reject the Application filed by the prosecution below Exhibit 178. As per the said Application, the prosecution has sought assistance of the trial Court for examining in all witnesses

in respect of eight subjects. Out of them, witnesses at serial nos.1, 2 and 3 are Doctors and accused has submitted to the orders of the Court, whereas the witnesses at serial nos.4, 5 and 6 are the unnamed and un-designated officers from the Mhada, BMC and Fire Bridgade. The Court has rejected the all prayers for want of giving details.

3. So far as point no.7 pertains to the original Court record of Writ Petition No. 2845 of 2006. Mr. Talekar admits that they will produce certified copy of necessary documents. In respect of serial no.8, Mr. Hadadare, Civil Engineer, Mhada, there is a serious dispute. According to Mr. Pasbola, the relevant document is at page no.202. There are three signatories, out of them Mr. Jain and Dharmadhikari are already examined. The third signatory Mr. Hadadare, C.E., MHADA the prosecution intends to examine him.

4. It is true that in the Application, for calling of records, it is clarified that all records pertaining to Crime No.125 of 2007 be called. There are two rival contentions. According to Mr.Talekar, the necessary description of documents is already given and the photo copies are already collected during the investigation whereas according to Mr. Pasbola, this is not clarified in the

Application and under the garb of calling the record, the prosecution wants to produce other documents.

5. The matter is fixed before the trial Court tomorrow. The learned Special Public Prosecutor Mr. Talekar assures that he will prepare a fresh Application by giving following details;

1. names of the officers from the three bodies and
2. by clarifying the nature of original documents.

6. Both the counsel have requested that let such Application be produced before this Court instead of placing it before the trial Court. The prosecution is at liberty to do the same.

7. Stand over to **29th July, 2024 High on board.**

8. Both the parties can apprise the trial Court tomorrow about passing of this order. Parties to act on authenticated copy.

[S. M. MODAK, J.]