



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO. 9 OF 2024
IN
CRIMINAL WRIT PETITION NO. 716 OF 2023 (D)

Amit S/o. Suresh Gharde

..VS..

The State of Maharashtra through PSO, P.S. Ajni, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Shashibhushan Wahane, Advocate for applicant/petitioner.
Mr. I.J. Damle, A.P.P. for non-applicant/respondent/State.

CORAM : VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.
DATED : 26th MARCH, 2024

1. Heard.

2. Mr. Wahane, learned Counsel for the petitioner would submit that despite the order of this Court dated 03rd October, 2023, the trial Court is not complying the order of providing photographs to the accused to make up a defence. It is his contention that if the documents on which the prosecution is relying are not supplied to the defence, it would be not a fair trial. In fact, the trial Court by passing order on Exhibit-34 has permitted the petitioner to go through the entire material, but show its reluctant to provide the copies since they are pornographic images may be of prosecutrix.

3. In the situation, we have called a report from the trial Court to verify about the nature of photographs and

whether it could be given. The trial Court has submitted a fresh report dated 17th February, 2024 wherein expressed that there are voluminous photographs which are of pornographic nature. The trial Court expressed that the photographs are possibly of prosecutrix and in his opinion, if they provided to other side, it may harm the dignity of a women.

4. In view of such a specific and candid opinion expressed by the trial Court, we are not inclined to direct to provide the copies which pertains to dignity of a women. We may reiterate that the defence be permitted to go through the photographs in Court under supervision of the Court Officer so as to make able defence.

5. The Criminal Application is **disposed of**.

6. Inform the trial Court accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)