



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 323 OF 2024

XYZ in Crime No. 2756/2021

Vs.

State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. Shweta Chavan, Advocate (appointed) for petitioner.
Ms. Sneha Dhote, APP for respondent no. 1/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 15.04.2024

Heard.

2. The order dated 21.11.2023 passed by the learned Additional Sessions Judge (ASJ), Amravati, below Exh.43, in Sessions Trial No. 245/2021, thereby allowing the application of the respondents/accused for directions to the prosecution to supply the copy of the electronic evidence in Pen Drive, on which the prosecution is relying is under challenge in this petition.

3. The contention is that the electronic evidence contains some personal and objectionable photographs of the petitioner/victim and therefore, the learned ASJ should not have given the directions to supply the electronic evidence in Pen Drive to the respondents/accused.

4. For this purpose, the learned counsel for the petitioner is relying on the Section 207 of the Code of Criminal Procedure, 1973, which contemplates discretion of the Magistrate for not supplying the copy of the evidence on considering the reasons given by the Police. The submission is made that till date, the copy of electronic evidence in Pen Drive has not been supplied to the respondents/accused.

5. Issue notice to the respondents, returnable after two weeks.

6. The learned APP waives service of notice for respondent no. 1/State.

7. There shall be stay to the effect and operation of the impugned order dated 21.11.2023 of the Trial Court.

(M. W. CHANDWANI, J.)