



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 CRIMINAL WRIT PETITION NO. 2083 OF 2024

SANJAY S/O RAMRAO NAGARGOJE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Petitioner : Mr. N.D. Kendre

h/f. Mr. Uddhav Laxmanrao Momale

APP for Respondent : Mrs. Chaitali Choudhari-Kutti

...

CORAM : KISHORE C. SANT, J.

DATE : 03.07.2025

PER COURT :

1. Heard for some time.
2. The petition of the petitioner who is facing trial for the offences punishable under Sections 7, 13 (1) (d) and 13 (2) of the Prevention of Corruption Act.
3. It is the defence of the petitioner that the alleged amount of bribe was accepted towards property charges. The petitioner was working as Gram Sewak. The petitioner, therefore, filed an application under Section 91 of the Criminal Procedure Code, requesting the Court to call for documents i.e. general receipt book no. 624 and cash receipt book of receipt no. 1394 dated 21.12.2015, from the office of the Gram Pancharat Sonthal, Taluka Udgir. The said application came to be

rejected by the learned Additional Sessions Judge, Udgir, by order dated 25.07.2024. It is observed by the learned trial Judge that the receipt book and cash receipt details mentioned in the application are not the part of the chargesheet. It is further observed that the matter is posted for the prosecution evidence and thus, the prayer in application cannot be considered.

4. Learned Advocate for the petitioner submits that it is the right of the petitioner to defend his case. If he is not allowed to produce available piece of evidence, he will lose the opportunity to prove his case. At the most, the learned Court could have granted liberty to make the application after the evidence of defence starts.

5. Learned APP vehemently opposes the petition. She submits that the allegation in the complaint is that the petitioner accepted the bribe at his residence. There is no question of issuing any notice from the Gram Panchayat office. She submits that the Court has rightly passed an order. Looking at the orders, it is seen that the Court has observed that as per the details of cash receipt, those are not part of the chargesheet. Second reason is given that the matter is posted for prosecution evidence. On these two grounds, the application is rejected.

6. So far as first observation that the documents are not part

of the chargesheet is concerned, this Court finds that it is totally perverse. It is defence of the petitioner that he has issued the cash receipt and since it is not on record i.e. the reason why he filed an application in support of his case. There is no question of such documents being part of the chargesheet. So far as second observation is concerned, the Court could have kept the liberty open to the petitioner to make such an application at appropriate stage i.e. after recording of 313 statement after prosecution evidence is over. At the stage of defence, if the petitioner wants to examine defence evidence and to produce any material in defence, it is open for him to make an appropriate application at that stage. The petition thus, can be conveniently dispose of.

7. The petition stands disposed of with liberty to the petitioner to make an application at appropriate stage.

(KISHORE C. SANT, J.)

spc/-