IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 340 OF 2025

Jagannath Rambhau Hinge … Applicant
Versus
State of Maharashtra and Anr. ... Respondents

……

Mr. Shailesh Kharat, Advocate for the Applicant.
Smt. P. P. Bhosale, APP for the State.

CORAM : SHIVKUMAR DIGE, J.
DATED : 9th APRIL, 2025.

P. C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. By this application, applicant has challenged the order passed by learned Sessions Court, Vadgaon, Maval below Exhibit-28 in Special Case No. 156 of 2022.

3. Learned counsel for the applicant submitted that the prosecution has relied on the documents of CDR, SDR and Tower location of the concerned mobile, and 65B Certificate, which are recorded in the statement's of PW-1, PW-2 and PW-3. Learned counsel further submitted that statement of victim recorded under Section 164 of Code of Criminal Procedure (for

short "Cr.P.C.") has not provided along with chargesheet. The applicant had filed the application for providing these documents but the learned Judge has rejected the application on the ground that stage under Section 207 of Cr.P.C. has gone which is erroneous. Without these documents applicant cannot cross examine the prosecution witnesses and cannot put his defense before the learned Sessions Court, hence requested to allow the application.

4. It is contention of learned APP that the applicant had filed the application at belated stage. Learned Judge has passed valid order, no interference is required in it and requested to reject the application.

5. I have heard both the learned counsel. Perused impugned order. The applicant has been charged under Section 377 of Indian Penal Code, 1860 (for short "IPC") and under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act"). The prosecution has examined PW-1, PW-2 and PW-3. In their evidence, they have stated about the CDR, SDR and tower location of the concerned mobile and 65B Certificate as well as about the statement under Section 164 of Cr.P.C. of the victim. It is contention of learned counsel for the applicant that the said documents have not been provided with the charge-sheet. Considering these facts, it is necessary to provide these documents to the applicant, if prosecution is relying on these documents. Though,

stage of Section 207 of Cr.P.C. has gone but it does not mean that applicant has lost his right for getting these documents as he did not receive these documents with the charge-sheet and I pass following order.

ORDER

i. The application is allowed.

ii. The order dated 01.02.2025 passed below Exhibit-28 by the learned Sessions Judge, Maval is quashed and set aside.

iii. The investigating Officer in C.R.No. 124 of 2019 is directed to provide all the documents to the applicant on which prosecution is relying.

iv. The applicant can file application for recall of the witnesses for cross examination if he wishes.

v. The Trial Court shall decide the said application on its own merit.

6. The application is disposed of.

(SHIVKUMAR DIGE, J.)

SONALI SATISH KILAJE Digitally signed by SONALI SATISH KILAJE Date: 2025.04.17 10:14:54 +0700