

ORDER BELOW EXH.94 IN R.C.C. NO.864/2018

(CNR NO.MHAH-0300-7783-2018)

The prosecution filed the present application for allowing the production of documents.

2] Read the application and the say filed thereon.

3] Heard both the sides.

4] From the record, it appears that the evidence of P.W.2 Smt. Dani was over on dt.06/11/2023. The record further discloses that on dt.27/11/2023, the learned A.P.P. filed an application for further examination of P.W.2 Smt.Dani under Section 311 of Cr.P.C. The said application was allowed on merits. In such scenario, when the matter is pending for further examination of P.W.2 Smt.Dani, the present application for production of the documents is filed by learned A.P.P. by stating that the present documents are necessary in the interest of justice.

5] Merely non production of documents by investigating officer along with charge-sheet is not a ground for rejection of production of the documents at subsequent stage. The genuineness of documents cannot be determined at this juncture. P.W.2 Smt.Dani in her evidence stated about transaction with dealer and incorrect payment entries as well as the nature of work of the accused. Prima facie, documents attached with list are related to above evidence of P.W.2 Smt.Dani. Whether the documents are admissible in evidence or not cannot be decided while dealing with the application of production of documents. At this juncture, we have to see only

whether the production of documents at subsequent stage be allowed or not.

Considering the evidence of P.W.2 Smt.Dani, in my view allowing production of documents will help for decision of case and it will not cause any prejudice to the accused. Resultantly, the following order is passed :

ORDER

The production of documents at Exh.94 is allowed.

Date : 12.02.2024.

(Maya A. Deshmukh)
Addl. Chief Judicial Magistrate,
(Court No.08) Ahmednagar