

ORDER BELOW EXH. 106 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.3 Shri. Gundecha was initiated by the prosecution. In his examination-in-chief, Shri. Gundecha stated that he will bring original register of which copy was given by him to the investigating officer. He along with present application wanted to produce verified copy of those statement handed over to the police and statement of some other transactions done by said witness with the accused for the complainant society.

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. 3 Gundecha in his evidence stated about transaction with dealer and 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.3 Gundecha. 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.

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(R.C.C. No.864/2018)
(Exh.106)

Considering the evidence of P.W.3 Shri. Gundecha, 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.106 is allowed.

Date : 01.08.2024.

(Maya A. Deshmukh)
Addl. Chief Judicial Magistrate,
(Court No.06) Ahmednagar