

MHAH030113592023	<u>R.C.C. NO.1289/2023</u> The State of Maharashtra Vs Nanasaheb Babasaheb Gavhane
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ORDER BELOW EXH.16

The prosecution has moved present application for grant of permission to file certain documents on record.

2. It is the contention of the prosecution that informant wants to submit some important documents on record i.e. application made to the Superintendent of Police and photographs of injuries caused to the informant. Hence, prayed to allow to file the documents.

3. The say of accused is called. He strongly opposed the application on the ground that the informant is filing said documents to mislead the Court. These documents are not part of the charge-sheet. If the informant is allowed to file said documents it will affect the natural justice of the accused. The prosecution is filling up the lacuna by filing the said documents. The prosecution has no right to file said documents at this stage. Hence, prayed to reject the said application.

4. Heard Ld. APP. She argued that said documents are necessary to file on record. These are related to the said crime. Therefore, at this stage it can be filed on record. As the accused has right to cross examine on the said documents no prejudice will be cause to him. Hence, prayed to allow the application.

5. On the other hand Ld. Counsel for the accused vehemently argued that the prosecution is trying to filling up the lacuna by filing said documents. It has no right to file the same at this stage. The informant has not given said documents to the investigation officer at the time of investigation and brought before the Court. Therefore,

the prosecution has no right to file said documents on record and by filing said documents the prosecution is trying to create new story. Hence, prayed to reject the application.

6. Perused the record and nature of documents i.e. application made to Superintendent of Police and photographs of the informant in respect of the said crime. Though the accused in his reply has denied and challenged that said documents are false. But it is not denied that these documents are not related to this crime. Prima facie it appears that these documents are in respect of said crime. Since the evidence of the prosecution is not started the prosecution can file said documents on record before recording the evidence of the informant.

7. So far as causing prejudice to the accused is concerned, they can cross examine the witness on said documents. Therefore, no prejudice will be cause to them. Hence, the application deserves to be allowed. In the result, I pass the following order-

ORDER

1. The application is allowed.
2. The permission to file said documents on record is granted.

Ahmednagar.
Date :- 17.03.2026.

(L. S. Padhen)
Chief Judicial Magistrate
Ahmednagar