

**Order below Exh. 1 in RCC No. 281/2022**

(CNR No. MHAH250031082021)

Accused has filed an application under section 207 of Cr.P.C. submitting that case is pending for evidence and till now defence has been conducting the evidence of witnesses. On 01/10/2024, at Exh.61 this Court passed an order directing the State to supply copy of signature and hand writing expert to defence defence but till now no report has been received to defence and defence did not get those documents and said report is material evidence where entire prosecution has relied upon. In such situation today complainant and other witnesses have been called for evidence. Hence, defence is unable to conduct evidence in the absence of non-supplying the documents i.e expert report and opinion of expert. Hence, accused has prayed that case be adjourned till receiving the copy of hand writing expert report as well as opinion of hand writing expert.

2. APP submitted that the documents of report of hand writing expert has been given to accused by the separate order of the Court. Seven witnesses has been examined. Accused is an under trial prisoner and the case needs to be proceeded expeditiously. Present application has been filed to delay the trial without examining the hand writing expert. The said document can not be given to be accused. Accused has an opportunity to read the hand writing expert report on the dates on which the case is fixed. Due to filing of such application, Court time is being wasted. Hence, prayed to reject the application.

3. Heard APP Advocate for accused remained absent when called for arguments after filing the say of APP. Upon perusal of the record, it appears that this Court passed an order below Exh.61 wherein, It was mentioned by the Court that the copy of documents involving spot panchnama has been received by the accused side. The ferist also appears to bear the endorsement of the advocate for accused as copy received on 01/10/2024. Further, this Court has also passed an order below Exh.61 that accused side is permitted to get the certified copies of the documents contained in the envelope send for Chief State Examiner of documents except the report of hand writing expert contained in a contained in the envelope send for Chief State Examiner of documents except the report of hand writing expert contained in a separate brown envelope. However, considering that, the case is now pending for examination of remaining witnesses and as orally submitted by APP that hand writing expert is going to be examined by the prosecution, the copy of opinion of handwriting expert which has been unsealed, can be given to accused side to conduct the fair trial and to give reasonable opportunity and fair chance to accused side to conduct cross examination. This Court earlier mentioned in order below Exh.61 that, report of handwriting expert containing his opinion cannot be exhibited without examining the expert witness, however, taking into consideration that, the application for giving certified copies of documents involving specimen signatures and documents involving disputed signatures is allowed and the documents on which hand writing expert has based his opinion and on which prosecution also proposes to rely upon, have

already been ordered to be given to the accused side, an exhibit to the document of opinion of handwriting expert **only for the purpose of identification** at this stage need be given for giving copy of handwriting expert opinion in order to provide fair opportunity to the accused. Hence, considering the case involves an under-trial prisoner, both the sides shall also proceed expeditiously with the case without causing further delay. Hence, the order.

**ORDER**

1. Application is allowed.
2. Accused side is permitted to get certified copy of opinion of handwriting expert contained in separate brown unsealed envelope.

Date : 21/10/2024

Sd/-  
(N.S.Sabnis)  
Judicial Magistrate, F.C.,  
Court No. 3, Parner.