



REGULAR CRIMINAL CASE NO. 49/2014
(State of Maharashtra - Vs. - Balaso Varekar)
ORDER BELOW EXH. 30

Vide this application, learned APP is requesting for production of original agreement dated 05.02.2010. Say of accused was called for and is on overleaf the application.

02. Perused application and say. Also perused record and proceeding. Heard learned APP and learned advocate for accused.

03. Learned APP has submitted that such sort of production is permissible as per the provisions of Section 242(3) of The Code of Criminal Procedure ; whereupon it is vehemently submitted by learned advocate for accused that such production was required at the time of filing report under Section 173 of The Code of Criminal Procedure only, and subsequent production cannot be permitted. It is also further submitted by learned advocate for accused that since evidence of some of the witnesses regarding said document is completed, such production at belated stage cannot be permitted.

04. I have carefully gone through the entire material on record. It is seen that copy of said agreement dated 05.02.2010 was already obtained during

investigation and filed with the charge-sheet. It is also further seen that its copy is already provided to accused as per Section 207 of The Code of Criminal Procedure and therefore, no prejudice will be caused to accused. Provisions of Section 242(3) of The Code of Criminal Procedure makes it ample clear that production of such an evidence is permissible, and the only touch stone for such production is to ascertain as to whether defence was having its knowledge or not. As earlier discussed, copy of the said document is already provided to the accused and *prima facie*, it is the document between the accused and witness and the charge framed at Exh. 11 implicates the prosecution to prove the said agreement dated 05.02.2010.

05. In the light of all the abovesaid, I am of the view that production can be allowed in view of provisions of Section 242(3) of The Code of Criminal Procedure. Hence order :-

ORDER

Application is allowed.

(**Anand D. Karbhajan**)

Place - Jaysingpur.

Date - 16/10/2023

Judicial Magistrate First Class,

Jaysingpur, Tal. Shirol, Dist. Kolhapur.