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| MHLA160006262024<br> | <u>Regular Criminal Case No.90/2024</u><br><u>State Vs. Sudhir &amp; Ors.</u> |
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**ORDER BELOW EXH.103**

This is an application for permission to produce copies of documents.

**02.** Learned APP Shri. Hashmi argued that, the investigating officer has not filed following documents along with charge-sheet. Those documents are very necessary for fair trial. There is no any bar to file document at the stage.

**03.** Learned Advocate Shri. M.S. Nagrale and Shri. C.S. Mete for accused person have strongly opposed this application. According to them, that documents are photocopies and not part of charge-sheet. Those documents are not admissible in evidence.

**04.** I have carefully gone through the entire record, application, say and argument. The accused persons are facing trial for offence punishable under Sections 420, 467, 468 and 471 r/w 34 of the IPC, alleging that the accused persons dishonestly inducing the informant and others to deposit money for getting Government job and made and used forged documents. An investigating officer has seized photocopies of Appointment Letter, Training Order, Joining Letter, Payment Slip and Payment Voucher. Those copies are available on record and identified by Vijay (PW-4). Therefore, there is no necessity to file those copies on record.

05. However, the copy of HDFC Bank statement, attendants register and Pan Card, Identity Card and Aadhar Card of Rajratan Ramrao Suryawanshi are not collected by the investigating officer. Those documents are the part of the alleged offence. Therefore, there is need to grant an opportunity to the prosecution, which is required under the rule of fair trial.

06. Learned APP relied on the following judgments. Therefore I going through that judgments -

- 1) The Hon'ble Apex Court in case of Central Bureau of Investigation Vs. R.S. Pai and Anr. (2002(5) LJ SOFT (S.C.)15) held that -

From the aforesaid sub-sections, it is apparent that normally, the investigating officer is required to produce all the relevant documents at the time of submitting the charge-sheet. At the same time, as there is no specific prohibition, it cannot be held that the additional documents cannot be produce subsequently. If some mistake is committed in not producing the relevant documents at the time of submitting the report or charge-sheet, it is always open to the investigating officer to produce the same with the permission of the Court. In our view, considering the preliminary stage of prosecution and the contexts in which police officer is required to forward to the Magistrate all the documents or relevant extracts thereof on which the prosecution proposes to be lie, the word 'shall' used in sub-section 5 cannot be interpreted as mandatory, but as directory. Normally, the

documents gathered during the investigation upon which the prosecution wants to rely are required to be forwarded to the magistrate, but if there is some omission, it would not mean that the remaining documents cannot be produced subsequently.

2) The similar view is also taken by the Hon'ble Apex Court in case of Sameer Sandhir Vs. Central Bureau of Investigation (2025 INSC 776). The Hon'ble Bombay High Court in case of Nivas Keshav Raut Vs. State of Maharashtra (2015 : BHC-AS : 17593) held that - The significant aspect of Section 294 Cr.P.C., one must note, is that it nowhere places any embargo upon the prosecution or accused to file a document at a stage subsequent to filing of charge-sheet.

07. Aforesaid ratio are applicable in this case. Accordingly, there is no embargo to file documents at this stage. So far as the proof and effect of the documents is concerned, same would have to be gone in to at an appropriate stage, which again cannot be said to be a view standing opposite to law. Thus this is fit case to grant permission to produce documents i.e. copy of HDFC Bank statement, attendants register and Pan Card, Identity Card and Aadhar Card of Rajratan Ramrao Suryawanshi. In that event the accused have ample opportunity to put forward their defence and testify the witnesses. Therefore, it will not prejudice to the accused. Hence, this application deserved to be allowed. In result I pass following order -

**-:: ORDER ::-**

1. The application is partly allowed and prosecution is permitted to file copies of documents i.e. copy of HDFC Bank statement, attendants register and Pan Card, Identity Card and Aadhar Card of Rajratan Ramrao Suryawanshi in the interest of justice.
2. Order dictated on computer and pronounced in open Court.

**Date : 30/08/2025.  
Place :Deoni.**

**( S.A. Surjuse )  
Judicial Magistrate First Class,  
Deoni.**