

MHLA160006262024 	<u>Regular Criminal Case No.90/2024</u> <u>State Vs. Sudhir & Ors.</u>
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ORDER BELOW EXH.128

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

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

03. Learned Advocate Shri. M.S. Nagrale for accused No.1 has strongly opposed this application. According to him, that documents are photocopies and not part of charge-sheet. Those documents are not admissible in evidence. Learned Advocate Shri. Mete for accused No.2 is absent and failed to file say and opposed the application.

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 not seized photocopies of Joining Order, Training Order and Joining Letter. Similarly, the documents of payment of money to the accused are material. The witness Vishnukant has possessed those documents.

Therefore, the receipt of RTGS, receipt of NEFT and bank statements are material evidence. 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 and just decision of case.

05. 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.

06. 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. In that event the accused have ample opportunity to put forth 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 allowed and prosecution is permitted to file copies of documents in the interest of

justice.

2. Order dictated on computer and pronounced in open Court.

Date : 16/10/2025.
Place :Deoni.

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