

**Order below Exh. 11 in Session Case No. 88/2020**

1. Read application filed by accused at Ex.11 and then, say of prosecution on it. Accused is an under-trial prisoner and he is not produced before this Court today, but then, his advocate is also not present when called out. Heard learned Sp.P.P. present.

2. This application is so made by this accused to get the copies of the statements of the witnesses recorded u/sec. 164 of Cr. P.C., 1973 as well the copy of DVD as to such statement of the victim-girl. This application is opposed by prosecution with a contention that this accused can not seek copies of any such documents much less copy of any such DVD, there being no legal provision in that respect. Learned Sp.P.P. in his oral submissions took the same plea and then, made a request for rejecting the application.

3. After considering the request so made by this accused and submissions of learned Sp.P.P. and then, after going through the record, it can be seen that there are no such statements of any witness on the record of this case, so recorded u/sec. 164 of Cr. P.C., 1973 and presently only two empty packets are there on record making reference of any such statements of the witnesses so recorded u/sec. 164 of Cr. P.C., 1973. Then, learned Sp.P.P. submitted that if those statements are produced later on, then, application could be considered in another way, but presently, there is no force in making any such submission by this accused. Then, whatever request is so made by this accused to get the copy of DVD is also strange one, since though otherwise, there is a DVD on record, still no legal provision is

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made out from the side of accused to obtain copy of any such DVD and then, looking to another submission of learned Sp.P.P. that this DVD is nothing else than the statement of the witness recorded u/sec. 161 of Cr. P.C., 1973 and in that respect, this accused has already received the copies of the statements of witnesses so recorded u/sec. 161 of Cr. P.C., 1973 and in that case, his any such request is also not tenable. The submissions so made by learned Sp.P.P. are worth to consider and therefore, the application itself does not lie, at all, and it stands rejected forthwith.

Date : 18.04.2023.

Place : Malegaon.

( S. C. Magare )

Extra Joint District Judge and  
Additional Sessions Judge,  
Malegaon.