

IN THE COURT OF SPECIAL JUDGE AT OSMANABAD

[Presided over by Rajesh S. Gupta]

Special Case (ACB) No.74/2019

CNR No. MHOS-010017402019

The State of Maharashtra

Prosecution

- Vs -

Sikandar Shivling Chavan

Accused

Order below Exh.1.

1] Ld. Advocate for accused submitted that they have not been provided copy of the DVR on which the prosecution are relying upon.

2] Ld. APP submitted that the DVR are recorded in memory card and accordingly transcript is prepared which is part and parcel of investigation is annexed along with the charge-sheet.

3] Taking into consideration the seriousness of the offence, accused are facing charge under Sec. 7 of the Prevention of Corruption Act. The DVR is the vital document on which basis the investigation was conducted and accused came to be arrested. It is the vital document for both defence as well as prosecution. The prosecution ought to have supplied the copy of DVR to the defence at the time of filing of charge-sheet but they have not done so.

4] The fair trial can only be held when both the parties are given equal opportunities of hearing and the documents which either of the parties are relying should be given to them and in the interest of justice.

5] The sealed packet received from FSL containing memory cards is opened before the Court in the presence of Ld. APP and defence

counsel. The packet contains one green envelop containing two another envelops bearing label affixed on it signed by the panchas. First packet is opened it contains one 8 GB Sandisk memory of conversation of accused and complainant. Second packet is opened it contains one 8 GB Sandisk memory of voice sample of accused.

6] The prosecution is directed to supply the copy of both memory cards recording either in Pendrive or CD to the defence counsel. The voice recording stored in memory card relied by the prosecution should be copied in the pendrive or CDR provided by the defence in presence of expert from the police station or staff of the computer Section of District Court and accordingly certificate be issued.

Date : 25/11/2022

(Rajesh S. Gupta)
Special Judge, Osmanabad

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer	---	A.A. Pawar Stenographer Grade-I
Court	---	District Court-1 & Addl. Sessions Court, Osmanabad.
Date	---	25.11.2022
Order signed by the Presiding Officer on	---	25.11.2022
Order uploaded on	---	28.11.2022