

ORDER BELOW EXH.48 IN SESSIONS CASE NO.261/2015.

1] After framing charge, the trial is posted for hearing i.e. to examine the witnesses of prosecution. At that time, accused submitted this application as per provision U/Sec.91 of Cr.P.C.

2] It is submitted that extract of call logs of 100 number (police control room) dated 08/12/2014 is material document for the purpose of trial and therefore, concern authority of Chaturshrungi Police Station may kindly summons for production of this document.

3] APP objected this application on the ground that the trial is yet to begin, at this stage it is not desirable to issue summons for production of this document.

4] Heard. In support of contention, Ld.Advocate for the accused relied on the authority in the case of **Kamal Ahmed Mohammad Vakil and Ors. Vs. State of Maharashtra, reported in 2013 Cri. L.J. 858.**

5] As per provisions of Section 91 of Cr.P.C., the Court can issue summons for production of documents, if production of document is necessary or desirable for the purpose of investigation, inquiry, trial or other proceeding under this court.

6] On 08/12/2014 the complainant Ashvini Rane lodged FIR alleging that the accused infurtherence of their

common intention committed dacoity of amount of Rs.55,000/- besides other articles from her house. At 4.15 p.m. when she entered in the house, noticed that two persons have caught hold her father. Thereafter, she has immediately started shouting and thereafter, accused ran away from the house. She has thereafter immediately informed the said fact to the watchman of the society. Subsequently, she has informed the alleged incident to the control room by dialing 100 number. Thus, it shows that with a view to caught hold assailants, immediately the complainant has approached to the Control Room by dialing 100 number. The complainant seeking immediate help from from the police station, so as to apprehend the assailants and therefore, she dialed 100 number. Thereafter, on the same day, she has lodged FIR to the police station. In the circumstances, the document prayed for cannot be material piece of evidence for just decision of the case.

7] The another material point is if at all accused feel that the document in question is material, then he can examine the concern witness at the time of his defence. I have gone through the citations relied by the Ld. Advocate for the accused. The facts of the said case are totally different than the present case and therefore with due respect it would not be applicable to the present case. Hence, the order.

ORDER

The application stands rejected.

Pune.
Date: 18/11/2016.

(D.D.Deshmukh)
Additional Sessions Judge, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file
Judgment are same word for word as per original Judgment.

Name of Steno: Mrs. P. I. Shaikh (Steno H.G.)

Court name: Shri.D.D. Deshmukh
District Judge-14 and
Additional Sessions Judge, Pune.

Date: 18/11/2016

Judgment signed by presiding officer on: 18/11/2016

Judgment uploaded on: 22/11/2016