

MHPU010123822017

CBI
Vs.
Ajit Gokhale and Ors.

Order below Exh.338
(Dated: 11th March, 2025)

Present application has been filed by Ld. Advocate for accused No.5 namely Shrikant Dhamane with prayer to grant permission to file documents on record, to exhibit the same and to read the same in evidence.

2. Perused application and Say of CBI. Also perused record. Heard Ld. Advocate for the accused No.5 and Ld. PP for the CBI.

3. At the outset, it is necessary to mention that the evidence of prosecution is being recorded and during the examination-in-chief of PW-4, the present application came to be filed by Ld. Advocate for accused No.5.

4. It is contended by Ld. Advocate for accused No.5 that the proposed documents were initially sought for by moving application Exh. 111 under section 91 of Cr.PC. before framing of charge, which was opposed by the CBI. It is contended that the proposed documents are relevant and required to be taken on record for proper adjudication of case. Therefore, it is prayed that the proposed documents be taken on record and the same be exhibited, so that the said documents can be read in evidence.

5. *Per contra*, Ld. PP for CBI strongly opposed the application contending that the origin and genuineness of proposed

documents are not mentioned in the application. The PW-4 is neither author of the said documents nor he dealt with the said documents, so proposed documents cannot be permitted to be taken on record during the evidence of PW-4. Therefore, it is prayed to reject the application.

6. On perusal of order below Exh.111 passed by my Ld. Predecessor, it appears that the said application was rejected by giving detail reasons. It is pertinent to mention at the cost of repetition that the evidence of prosecution is going on. Moreover, the PW-4 is neither author of the proposed documents nor he dealt with the same. It is also not contention of Ld. Advocate for accused No.5 that he wants to confront those documents to witness. It is pertinent to mention that accused No.5 would get an opportunity to bring proposed documents on record at proper stage. There is no provision to take the documents of defence on record and to exhibit the same directly without following due process of law, therefore, the application being devoid of merit, the same is liable to be rejected. Hence, I proceed to pass the following order:

- (i) Application (**Exh.338**) is hereby rejected.
- (ii) No order as to costs.

Date – 11/03/2025.

(R.R. Mendhe)
Special Judge, CBI-ACB,
Pune.

CERTIFICATE

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

Name of Steno	: I. E. Deshmukh (Steno Grade-I)
Court Name	: Shri. R.R.Mendhe, Special Judge (CBI-ACB cases) Pune.
Date of order	: 11.03.2025.
Order uploaded on	: 11.03.2025.