

ORDER BELOW EXH. 122 IN SESSIONS CASE NO. 190/2024
(Passed on : 08.12.2025)

(CNR No. MHPU14-003322-2024)

Perused the application and reply thereon. Heard Ld. Counsel for both the sides as well as Ld. Counsel for the informant.

2. Ld. Counsel for the accused submitted that in *Manoj and ors Vs. State of Madhya Pradesh* reported in *2022 SCC OnLine 677* as well as in case of *Sublendu Divakar Vs. State of Maharashtra (Cri. W.P. No.17507/2023)* it was held that in all criminal trials investigating officer should furnish list of statements, documents, material objects and exhibits which are not relied upon by him. It is pointed out that investigating officer has not made any statement on record as to whether he has withheld any statement, documents, material objects and exhibits. Therefore, it is prayed to direct the investigating officer to provide list of statements, documents, material objects and exhibits which is not relied upon by him.

3. Application is resisted by the prosecution as well as Ld. Counsel for the informant vide their reply at Exh.123. It is submitted that the copy of charge-sheet is already supplied to the accused and there is no provision to supply the other material which is not relied upon by the prosecution. Moreover, prosecution has made the list of statements and documents relied upon by him and the same is already supplied to the accused. Accordingly, it is prayed to reject the application.

4. In *Manoj and ors Vs. State of Madhya Pradesh* (cited

supra) Hon'ble Apex Court has held that in all criminal trials the investigating officer should furnish the list of statements, documents, material objects and exhibits which are not relied upon by him. Moreover, a duty is cast upon the Presiding Officer of the Court to ensure the compliance of said aspect. It is also significant to note that in *Sublendu Divakar Vs. State of Maharashtra* (cited supra) Hon'ble Bombay High Court has also reiterated the duty of the Court regarding compliance of abovesaid directions issued by the Hon'ble Apex Court. It is undisputed that investigating officer has not made any disclosure statement as to whether he has having any other statements, documents, material objects and exhibits which are not filed alongwith charge-sheet or produced in Court. Therefore, in view of the aforesaid directions of Hon'ble Apex Court as well as Hon'ble Bombay High Court it will be just and proper to issue directions to the investigating officer to furnish the list of statements, documents, material objects and exhibits which are not relied upon by him. Hence, I proceed to pass following order :-

ORDER

1. Application at Exh.122 is hereby allowed.
2. Issue letter to the investigating officer to furnish the list of statements, documents, material objects and exhibits, if any, pertaining to the present matter which are not relied upon by him, till next date without any fail.
3. Ld. APP is directed to ensure timely compliance of abovesaid directions.

Date : 08.12.2025

(Hitendra Urmila Anilkumar Wani)
Addl. Sessions Judge, Baramati