

:: Order Below Exh. 28 ::

By this application A.P.P. prayed for permission to lead secondary evidence. It is the contention of A.P.P. that as per the prosecution case the muddemal property has been seized by Police Station, Pen during the course of their investigation. Accordingly, the I.O. has prepared Memorandum Panchanama and Seizure Panchanama in the crime registered against the accused at Police Station, Pen. The A.P.P. filed today certified copy of said panchnama in order to prove contention that whatever muddemal property recovered by Police Station, Pen was from the crime number registered with Revdanda Police Station. Accordingly, after completion of investigation P.S.O., P.S. Revdanda filed charge sheet against the accused in this court. However, original panchnama about seizure of property has been filed in the charge sheet pending before J.M.F.C., Pen. Hence, on all these grounds the A.P.P. prayed that prosecution may be permitted to lead secondary evidence.

2. The application is strongly resisted by the accused on the ground that it is false. The original panchnama is in the charge sheet pending before J.M.F.C., Pen has not been proved at all. So the certified copy of said panchnama is not admissible in the evidence. Hence, lastly, accused prayed that the application may kindly be rejected.

3. Perused the application and say. Heard advocates of both sides. Perused record. It is admitted position that the muddemal property which was seized by Police Station, Pen was belonging to the crime registered at Revdanda Police Station. It is the prosecution case that the muddemal property in this case has been seized by P.S.O., P.S., Pen, during the course of their investigation. The concerned I.O. has drawn memorandum panchnama and seizure panchnama of the accused in crime registered at Pen P.S. Therefore, in order to prove the contention the original panchnama cannot be filed in this case. However, its certified copy is filed on record which in my view will suffice the purpose. Hence, the order.

:: ORDER ::

01. The application Exh. 28 is allowed.

02. The A.P.P. is allowed to lead secondary evidence about the memorandum and seizure panchnama in the crime registered at Police Station, Pen.

Sd/-

Alibag
Dt. 02-03-2019

(L. G. Pachchhe)
Chief Judicial Magistrate,
Raigad-Alibag