


MHRG170011042024 	<b>SPECIAL CASE NO. 76/2024</b>  <b>The State of Maharashtra</b> <b>Vs.</b> <b>Kamal Jayramdas Jesvani and 5</b>  <b>CNR NO. MHRG170011042024</b>
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**COMMON ORDER BELOW EXH.63 & 64**

1. Vide application Exh.63, applicant has prayed for direction to provide entries made in the General Diary, CCTV Footage, Call Details Record of the police personnel mentioned in the application. Further, vide application Exh.64, it is prayed to give direction to the prosecution to file affidavit in respect of the application under Section 91 of the Cr.P.C.
2. Upon perusal of the record, it is found that till this date the stage of framing charge not come. In case of **State Of Orissa Vs Devendra Nath Padhi AIR 2005 SUPREME COURT 359**, it has been held by the Hon'ble Supreme Court that the stage of invoking the power under Section 91 of the Cr.P. Code, would be ordinarily available to the accused when he enters into defence. Hence, in my view there is no force in the application filed by the applicant under Section 91 of the Cr.P. C.
3. Therefore at this stage, it can be said that applications Exh.63 and 64 are premature and thus I do not find merit

in the applications. Accordingly, they deserve to be rejected. Resultantly, I proceed to pass following order.

**ORDER**

1. The applications Exh.63 and 64 are hereby rejected.

Panvel,  
Dated :- 10/11/2025

(Dinesh E. Kothalikar)  
Special Judge (NDPS), Court No.2,  
Panvel, Dist-Raigad.