

Order below Exh. 91 in R.C.C. No. 01/2023
(CNR No.MHRT080000232023)

By the present application, the accused has prayed for supplying him copy of CD at Exh. 90. It is contended that, copy of said CD is not supplied to the accused. Thus, he would be prejudiced in taking defence. Accordingly, in view of principles of natural justice, the copy be supplied to him, prayed the accused.

02. By reply below Exh. 93, learned APP has opposed the application.

03. Perused the record. Heard learned Spl. APP Miss. S. R. Vankar for the prosecution and learned advocate Mr. S. G. Soman, for the accused. I have also gone through the written notes of arguments filed at Exh. 95 by the learned advocate for the accused.

04. It is pertinent to note that the accused is alleged to have sent some offensive messages to the victim. The messages are allegedly sent through and by use of mobile phone. Said mobile phone has been seized during investigation. It was sent for analysis by the experts. While analyzing the same, the experts have prepared a CD as to the contents of the mobile phone. The experts have sent said CD alongwith their report. Said CD is at Exh. 90.

05. Pertinently, said CD is exhibited during the examination of PW08 i.e. the investigating officer. Noticeably, in paragraph No. 14 of the deposition of PW08, this Court has particularly referred the circumstances in which CD is produced and exhibited. Liberty is granted to both parties to go through the contents of the CD, as directed in paragraph No. 14, as referred above.

06. CD is the product of contents in the mobile phone. Offensive messages allegedly sent by the accused, are part of the CD as it is product of the contents in the mobile phone. Opportunity is already granted to the prosecution and accused to go through the contents of the CD in the manner stated in paragraph No. 14 of deposition of PW08 at Exh. 77. In all such circumstances and aforesaid facts the prayer for issuing copy of said CD cannot be accepted. Thus, the application is rejected.

Dated : 10/10/2024

(B. D. Tare)
Judicial Magistrate F. C.
Deorukh.

CERTIFICATE

order in RCC No. 01-2023

I affirm that the contents of this P. D.F. file are same, word to word, as per the original order/judgment/evidence.

Name of the Stenographer : S. A. Bhale

Court name : Civil Judge, J. D. and J.M.F.C., Deorukh.

Date : 10/10/2024

Order signed by the presiding officer on : 10/10/2024

Order uploaded on : 10/10/2024