

Order below Exh. 78 in
Reg. Criminal Case No.03/2013

The accused are facing a trial for the offence punishable under section 420, 423, 464, 465, 466, 467, 471 r/w 34 of Indian Penal Code.

02. It is a contention of prosecution that accused have fabricated bogus and false sale deed and cheated to the informant. The original sale deeds executed in the year 2007 and 2008 are in possession of the accused. The said sale deeds are in possession of accused. Those the sale deeds are necessary for the proving the date of accused and so it is prayed that accused be directed to produce on record the above mentioned original sale deeds.

03. This application strongly resisted by the accused on the ground that some of the documents are sent to the hand writing expert. Accused are not duty bound to produce documents against their own interest. The right to keep mum is fundamental right of the right. So application be rejected.

04. I have heard Ld. APP Smt. S. Y. Gobade for the State and Ld. Adv. Shri. S.S. Sawant for the accused. Ld.APP for the state argued as per the contents of application and Ld. Advocate for the accused also argued as per say given on exh.78.

05. The law is very settle that right to keep mum is fundamental right of the accused. It was the duty of the I.O. to

obtain the so called sale deeds at a time of investigation. The court can not direct to produce certain documents which are goes against the interest of the accused. The argument advanced by the Ld. Advocate for the accused do appeal me. There is suitable merit and substance in his argument. So I appreciated him and accepted is argument. Ld APP for the state made a submission that the liberty be granted to the prosecution to adduce secondary evidence. This Court is not in a position to grant a liberty at this stage. Prosecution has to take effective steps as per their own wish. With this I find no merit and substance in the application filed below exh.78. So application exh.78 is hereby rejected. By the consent next date is 16/07/2023.

(Dictated on Dias and pronounced in open Court.)

Oros.

Dated : 17/07/2023.

(**S.D.Chavan**)

Addl.Chief Judicial Magistrate,
Sindhudurg-Oros.