



Order below exhibit 182

The informant who has brought the investigation machinery in to action in the present case has made this application through learned Special APP for production of documents. According to him, the documents sought to be produced are important material and relevant documents.

02. The accused persons have strongly resisted the application and claimed its rejection. According to them, documents sought to be produced have no nexus with the charge kept on the accused persons in the case. The informant has nothing to do with the documents. He is trying to cause trouble to them.

03. Heard both the sides at length. Learned Special APP Smt. Gobade submitted that the documents sought to be produced are relevant and material ones. They have right to adduce documents as per section 242(2). On the other hand, learned counsel Shri U.S. Sawant for the accused person submitted that all the documents sought to be produced are the documents which were existing prior to filing of the charge-sheet. The evidence has to be lead as per the charge. The land owner is not the informant. The informant is making mischievous application to trouble the accused persons.

04. Admittedly, the evidence of investigation officer, the prosecution witness No.09 was recorded vide exhibit no.165 on 16.01.2026. The present application has been made on

16.04.2026. The documents as per the list annexed along with application appear to be the certified copies of the record of rights with respect to mutation entry no.6414 and 6668 dated 02/09/2007 and 07/02/2009 respectively. These documents are not part and parcel of the investigation in the light of sub-section 8 of section 173 of the Code of Criminal Procedure. These documents cannot be permitted to be produced on record after the evidence of the investigation officer has been recorded. The prosecution cannot be permitted to produce documents at such a belated stage.

05. The record of the file reveals that the copy of sale-deed dated 22/08/2007 is marked at Exh.135. That means, the document is already on record and produced by the prosecution. Moreover, the said documents appear to be with regard to the mutation entries dated 02/09/2007 and 04/02/2009, i.e. the said documents were prevailing when the charge-sheet was filed. In such circumstances, the prosecution cannot be permitted to produce the documents when the application does not reveal any reason for not being produced before the evidence of the prosecution commenced and ended. In such circumstances, I am not inclined to grant the application at the fag end of the trial of a case pending for more than 13 years. Hence, in the result the application stands rejected.

06. Parties to note.

Date : 18/06/2026

(Smt. S.A. Kanshide)
Addl. Chief Judicial Magistrate,
Sindhudurg-Oros.