



Order below exhibit 177

01. 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 documents.

02. The accused persons have strongly resisted the application and claimed its rejection with costs. According to them, the charge-sheet has been filed as per the provisions of section 173 of the Code of Civil Procedure. The informant cannot furnish new documents. Similarly, the documents sought to be produced are the paper cuttings. These paper cuttings cannot be read in evidence. The case is pending since 2013 one of the accused is suffering from brain ailment. He has recently undergone brain and neck surgery. One of the accused has died during the trial. The informant is troubling the accused persons. Therefore, they claimed the rejection of the application.

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 21.02.2026. The documents as per the list annexed along with application appeared to be the certified copies of exhibit nos.93 and 94 of in Special Civil Suit No.04/2013. 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. Moreover, 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. Hence, in the result the application stands rejected.

05. Parties to note.

Date : 18/06/2026

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