

State of Maharashtra Vs. Laxman Bandgar & Ors.

This is an application under section 94 of Bhartiya Nagrik Suraksha Sanhita, 2023 for issuance of summons to produce documents.

2. It is the contention of the prosecution that, during the evidence several prosecution witnesses produced printouts / copies of their respective account statements before the Court. However, for the want of certificate under section 2(A) of Bankers Books Evidence Act, those documents couldn't be proved. Therefore, the prosecution filed this application to summons the authorized officer or manager of respective banks, directing them to produce the certified copies of account statements together with the certificate under section 2(A) of Bankers Books Evidence Act for just and fair decision of the case.

3. The accused filed say below Exh. 184 and contended that, the prosecution has no hurdle in submitting the certificate along with account extracts at the time of evidence. Now when the trial is at the verge of its conclusion calling upon the documents will cause disadvantage to the accused and this Court cannot allow this application to till the lacuna's in the case of prosecution. Therefore, this application be rejected.

4. Perused the application and say filed. Heard both sides. Perused the record.

5. Admittedly the prosecution witness during the evidence of several witnesses produced photocopy/printouts of bank account statements having seal and signature of bank authorities. However, those statements are not accompanied by the certificate under section 2-A of Bankers Book Evidence Act. Therefore, the certified copies are sought only to prove the same documents in accordance with the law. The documents sought are not new evidence. They are merely certified versions of bank statements already referred during trial. Therefore, this application cannot be said to be filed with intent to fill up the lacuna. The purpose of section 94 of BNSS is tenable the Court to summon document necessary for a just decision. If the documents are relevant and necessary court has ample power to call them. So far as, the objection of the accused is concerned, that all witnesses have already been examined and is not itself sufficient to reject the application. Any possible prejudice to the accused can be cured by permitting the accused to recall and further cross examine the concerned witnesses after certified statements are produced. Refusing the application may result in exclusion of otherwise relevant documentary evidence on technical grounds, whereas allowing it with safeguard advances the cause of justice. For the reasons recorded above I am inclined to allow this application with following directions-

ORDER

1. The application is allowed.
2. Summons reissued to concerned bank managers or authorize persons or officers of banks to produce certified copies of the bank account statements mentioned in the application together with a certificate under section 2-A of Bankers Books Evidence Act.
3. If the accused desires they are at liberty to seek recall of the concerned prosecution witnesses for limited further cross examination with reference to the certified bank statements.

Sangli.
Date – 06.07.2026.

(Rohini S. Patil)
Judicial Magistrate First Class,
(Court no. 3), Sangli.