

Pawan Prakash Koparde
Vs
Prakash Kallappa Birajdar

ORDER BELOW EXH.25

Perused the application and say.

2] Heard ld. Advocates for both sides.

3] This is an application moved by the accused seeking production of documents from the complainant. It is the averment of the accused that, the complainant and the accused had executed notarized agreement on 24.02.2021 regarding the sale of the vehicle. As per the accused, the aforesaid notarized agreement is in the possession of the complainant and it is necessary that the aforesaid notarized agreement should be brought on record. Therefore, the accused has prayed for directing the complainant for production of the notarized agreement dated 24.02.2021. Per contra, it is the contention of complainant that, the present application filed by accused is vague. It is the contention of the complainant that, present application has no mention as to when the agreement had taken place. Moreover, the complainant had admitted in the cross-examination that, the aforesaid agreement is not in the possession of the complainant. It is further contention of complainant that, averments in present application are false and frivolous. Hence, prayed for rejection of the application as the complainant has no any such kind of agreement.

4] Having considered the issue, limited question of consideration is whether production of documents can be allowed. The accused vide present application has specifically sought production of the notarized deed dated 24.02.2021. It transpires from the present application that, the accused has

specifically mentioned the date on which the alleged agreement was executed. Therefore, the contention of the complainant that, the accused has not mentioned the dated on which the agreement was executed and the application is vague cannot be accepted. Moreso, it seems that the complainant has not specifically disputed the execution of alleged deed dated 24.02.2021. Hence, the mere contention of the complainant that, he is not in possession of the alleged deed is not sufficient. Therefore, I am of the view that application deserves to be allowed in the interest of justice. In turn, I pass the following order.

ORDER

The application (Exh.25) is allowed.

Sd/-

(Ashish Mahipati Chavan)

4th Jt. Judicial Magistrate First Class,
Sangli.

Place : Sangli.

Date :18/01/2024.

CERTIFICATE

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

Name of the Stenographer	:	Smt. P.I.Madrasi, Grade-III
Court Name	:	4 th Jt. Civil Judge Jr. Division
&		Judicial Magistrate First
Class,		Sangli.
Date	:	18/01/2024.
Signed by P.O. on	:	18/01/2024.
Uploaded on	:	18/01/2024.