



(Vinod Prabhakar Yewale

Vs.

Nitin Subhedar Jagtap)

**ORDER BELOW EXH.153 IN S.C.C.187/2015**

The accused Nitin Jagtap filed this application and prayed that the complainant filed document vide Exh. 3/6 i.e. agreement. According to the accused he has consent to give exhibit to that document. However, he do not admit the contents of the document. Therefore, accused prayed that an application may kindly be allowed and said document may be exhibited.

2. The complainant filed say to this application vide Exh. 160 and opposed the application. According to the complainant, the accused is filed this application not only for misleading but also it is not acceptable as per the law. According to the complainant, during the cross-examination the original docuement is already exhibited and according to him there is no provision in The Evidence Act to give exhibit to such document. Therefore, complainant prayed that application may kindly be rejected.

3. Heard, Ld. Counsel for accused Shri. Sanas and Shri. G. D. Deshpande Ld. Counsel for complainant. Perused the record along with the documents. The perusal of document vide Exh. 3/6 shows that, it is the xerox copy of agreement to sell. Further the perusal of record shows that, the complainant filed original document on record vide Exh. 121 and the notary filed it's copy vide Exh. 151. The accused is praying to give exhibit to the

document which is xerox copy of the original. As per the accused he do not admit the contents of the particular document but prayed that as per Section 58 of The Indian Evidence Act said document may be exhibited. However, if the document is admitted then it may be exhibited as per Section 58 of The Evidence Act. In fact, the original document itself is on record and it is at Exh. 121. Therefore, there is no reason to mark xerox copy as exhibit number because the original of the same is marked as exhibit. Therefore there is no merit in the application. Accordingly, I proceed to pass the following order.

**Order**

- 1) The application below Exh. 153 is rejected.
- 2) No order as to costs.

Date:- 23/02/2024  
Mahabaleshwar

(A.D. Margode)  
Civil Judge Junior Division,  
Mahabaleshwar.