

MHNG030023772002

RCC No. 3030147/2002

State -- Vs – Sunil & Ors



ORDER BELOW EXH.3671

This is an application made by accused No.3 for directing the State C.I.D. to release all data, documents, files, software, hardware and all other material and items seized during the investigation and which are not part of present charge-sheet.

2. In the application, it is contended that, the applicant/accused is being prosecuted on the basis of complaint filed by the Nagpur District Central Co-operative Bank through its Auditor. The Ganeshpeth Police Station had initially registered Crime No.97/2002 for the offences punishable Under Section 406, 420 read with 34 of the Indian Penal Code. Thereafter, on the basis of some other complaint, the Ganeshpeth Police Station registered another Crime No.101/2002 for the offences punishable under Section 406, 409, 468, 471, 120B read with 34 of the Indian Penal Code. The Investigating Agency has submitted the present charge-sheet against in all 11(eleven) accused persons including the applicant by clubbing both the crimes. The trial against 09 accused persons has been concluded vide Judgment dated 23.12.2023.

3. It is further contented that, the applicant/accused is facing trial for offences punishable under Section 406, 409, 468, 471, 120B read with 34 of the Indian Penal Code. The

applicant/accused is also facing trial in other 21 similar criminal cases pending before Wardha, Amravati and Mumbai Courts. During the course of investigation, the State C.I.D. has seized data, software, hardware, bank statements, accounts data, several legal and statutory documents and other items which are not part of present charge-sheet. The said documents are not required by the State C.I.D. or this Court. The applicant/accused requires said data, statements, software, hardware and other items for defending himself not only in the present case but also in other pending cases. On these grounds, the applicant/accused has prayed for allowing the application.

4. The Special APP has opposed the application by filing say overleaf of the application. It is submitted that, all the material which was seized during the investigation is part and parcel of present charge-sheet. By the judgment dated 22.12.2023, this Court has not passed any order in respect of disposal of the muddemal as the case is still pending against accused Nos.3 and 10. The trial of applicant/accused is yet to commence. Thus, the present application is not tenable and is liable to be rejected.

5. Heard Ld. Advocate for applicant/accused through Video Conferencing and the Learned APP.

6. The Ld. Advocate for applicant/accused submitted that, the applicant/accused has filed an application for discharge. The documents and other data seized by the State C.I.D. in the course of investigation and which is not part of the present charge-sheet is required for hearing on the discharge application. It was further submitted that, the said documents and data are required by the

applicant/accused for defending himself. In retort, the Ld. APP submitted that, by judgment dated 22.12.2023, this Court has not passed any order in respect of disposal of the muddemal as the case is still pending against accused Nos.3 and 10. It was further submitted that, the said documents, data and other articles would be required for conducting trial of accused Nos.3 and 10.

7. Record shows that, the trial has been concluded against accused Nos.1, 2, 4 to 9 and 11. Now, the matter is pending against accused Nos.3 and 10. It is significant to note that, the application under consideration is vague in nature. The applicant/accused has not made clear as to which data, documents and articles are not part of the present charge-sheet. The trial against accused Nos.3 and 10 is yet to commence. Thus, at this stage, it can not be said that, the prosecution would not require the data, documents and articles seized during the investigation.

8. It is significant to note that, the applicant/accused has made application Exh.3659 seeking permission to verify entire seized documents for the purpose of defending himself in the course of trial. On one hand, the applicant/accused is seeking permission to inspect the said documents and on the other hand, the applicant/accused is seeking release of the said documents. As stated above, the trial against accused Nos.3 and 10 is yet to commence. Moreover, while passing judgment dated 22.12.2023, my Ld. Predecessor has not passed any order in respect of disposal of muddemal property as the case is still pending against accused Nos.3 and 10. It is also significant to note that, as per the applicant/accused the subject

data, documents and articles were seized from the office of Home Trade Pvt. Ltd.. Thus, the applicant/accused can not seek release of the said data, documents and articles in his personal capacity. Thus, the application is liable to be rejected. Hence, order.

ORDER

Application Exh.3671 is rejected.

Nagpur.

Date : 14.10.2025

(M.V. Phade)
2nd Addl Chief Judicial Magistrate
(Spl. Court for S.138 N.I. Act),
Nagpur.