

CNR MHWR030003152002

ORDER BELOW EXH. 201

This is an application filed by the complainant for calling documents from the Court of Hon'ble Chief Judicial Magistrate, Wardha.

2. The complainant submits that, this is the case under section 138 of the N.I. Act. The cheque amount is of Rs.1,28,12,500/- and Rs. 26,75,15,270/-. In view of this transaction the F.I.R. under section 420 of the I.P.C. was lodged. The trial of this F.I.R. in the form of R.C.C. No. 573/2002 (State Vs. Sanjay Agrawal and Ors.) is on going before the Hon'ble Court of C.J.M. Wardha. The original documents are seized by the investigating officer in that case. Some of them are also exhibited in the evidence of that trial. He further submitted that, as the matter in hand is at the stage of examination-in-chief of the complainant, the original documents like cheque, promissory note and return memo are significant. Hence, those be called in the present trial.

3. Ld. counsel of the accused objected this application for want of provision and prayed for rejection of it.

4. Heard.

5. On perusal of the entire material before me and the say of Ld. counsel of the accused and arguments advanced by

both parties, it appears from the record that, considering the nature of transaction in the present matter this proceeding as well as criminal case under section 420 of the I.P.C. was initiated. The accused being absent consistently, the matter in hand was pending at the stage of securing his presence. The complainant secured his presence recently. Therefore, matter is at the stage of examination-in-chief of the complainant. The matter being under section 138 of the N.I. Act, the disputed cheque return memo and promissory slips prayed by the complainant are significant documents. Admittedly, some of those documents are exhibited in R.C.C. No. 573/2002 (State Vs. Sanjay Agrawal and Ors.). Certified of those exhibited documents are before this Court. But considering the contents of documents, signatures of the accused and other elementary aspects of the proof of these significant documents in the present trial, it is justified to get these original documents before this Court at the stage of trial. The purpose of getting it exhibited in R.C.C. No. 573/2002 needs to be ascertained and because of that mere filing of certified copies of these documents cannot be considered as the proof of those documents in the present case. Hence, this Court is of the opinion that, in view of the nature of this case and the disputed cheque amount, it is necessary to get the original documents verified and testified before this Court.

6. In view of the objection raised by the Ld. counsel of the accused it is mentioned that, the proceeding under section 138 of the N.I. Act, are *causi civil* in nature. This Court is

empowered to get the documents required for the trial before it. In the light of facts and requirement and being the case is before the Hon'ble C.J.M. Court, this Court is of the opinion that, issuing request letter for getting these original documents produced before this Court for the trial will meet the ends of justice. Hence, following order.

ORDER

- 1) The application is allowed.
- 2) The the concerned clerk is hereby directed to issue request letter for want of the original documents prayed by the complainant in this application.
- 3) The concerned documents will be produced before this Court only in reference to the evidence purpose and after getting it testified and verified in examination-in-chief, it be immediately sent back to the custody of the Hon'ble Court of C.J.M. Wardha as the amount of those cheques are huge in nature and the cheques are valuable documents.
- 4) The complainant is directed to submit the list of documents prayed to be produced alongwith the date and exhibits given to those document in R.C.C. No. 573/2002 (State Vs. Sanjay Agrawal and Ors.).
- 5) Both parties are hereby directed to remain present on scheduled date i.e. on 18/12/2025 for examination-in-chief so that those documents can be get exhibited immediately.

Wardha.
Date : 08/12/2025

(Smt. M. R. Chavan (Hiwarale))
Judicial Magistrate First Class,
(Court no.2), Wardha.

Certified that PDF copy of Order supra is word-to-word identical to the original Order.

(I.K.Khan)
Stenographer Grade-II