

R.C.C.No. 398/2002
State / Pawanraje and others

ORDER BELOW EXHIBIT NO.1316.
(CNR No. MHOS03-000396-2002)

Accused No.7 viz. Sanjay Hariram Agrawal has filed present application and thereby prayed to issue process for compelling the attendance of witnesses mentioned in the witness list for the purpose of examination and the production of documents.

2. The prosecution has taken strong objection by filing it's say on the backside of the application. It is contended that, the Court had already given fair opportunity to accused No. 7 to lead his defence evidence. At that time, he had given a list of defence witness and the summons was accordingly issued. The said witness from Kolkata is reported to be dead. Now, the another list of witnesses is filed by the accused No.7. However, the said witnesses have no concern with the present matter. Further, the matter is time bound and therefore, on all these grounds, the prosecution has prayed to reject the present application.

3. Heard both sides.

4. Perusing application, say thereon and considering submissions, it appears that, the accused No. 7 has filed the present application and thereby prayed to issue process for compelling the attendance of four witnesses mentioned in the witness list attached along with the application. Perusal of witness list shows that, witness No. 1 is S.K. Mishra, A.G.M. Reserve Bank of India. The accused No. 7 has prayed to issue witness summons to the said witness with direction to bring a letter issued by him to Dy. Superintendent of Police, C.I.D., Nagpur, dtd. 02.10.2002. Whereas,

witness No. 2 is Parag Jain, SEBI. The accused No. 7 has prayed to issue witness summons to the said witness with direction to bring a letter issued by him to B. B. Porat, C.I.D. Nagpur.

5. Learned A.P.P. Shri. Shewalkar has argued that, the said documents have no concern with the present matter. On the contrary, learned Advocate Shri. S.S. Tambe for accused No. 7 has argued that, the letters issued by the above said proposed witnesses to the C.I.D. Nagpur are filed by the said witnesses in another criminal case which is pending against the present accused in the Court at Nagpur and the said documents are relevant. Hence, it appears that, the letters which the accused is seeking to produce through these witnesses, have been already filed in another criminal case pending at Nagpur Court against the present accused. Hence, the accused can file the certified copies of said letters and therefore, it is not necessary to call these witnesses for the purpose of production of said documents at this stage. So far as, witness Nos. 3 and 4 in the witness list are concerned, process can be issued to secure their presence. Hence, the following order:

ORDER

1. Application (Exh.1316) is partly allowed.
2. Issue witness summons to witness Nos. 3 and 4 as mentioned in the witness list with direction to produce the record as mentioned in the witness list.

Date :- 14.08.2026.



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(Smt. Pradnya V. Medhe)
Chief Judicial Magistrate,
Osmanabad.