

IN THE COURT OF ADDL. CHIEF JUDICIAL MAGISTRATE, 47TH COURT,
ESPLANADE, MUMBAI.

C.C. No. 256/PW/2023

ORDER BELOW EXH-343

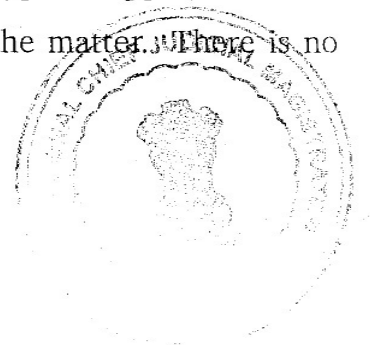
Present application is filed by accused No.1 to issue summons to earlier 18 witnesses and recall them in view of documents filed by the Concerned Investigating Agency. It is stated that the Investigating Officer was summoned and he has filed 36 additional documents on 19.11.2025. These documents were not mentioned in the charge-sheet and they are brought suddenly before the Court. The copies were never given to the accused and there is strong objection to the production of these documents. Hence, there is requirement of opportunity to further cross-examine the earlier examined witnesses.



2. Learned APP filed reply and strongly objected the claim. It is stated that this case is made time bound by the Hon'ble Supreme Court. 18 witnesses are already examined and the Investigating Officer is being examined. The accused will get opportunity to defend the case. Hence, the application be rejected.

3. Heard both the parties.

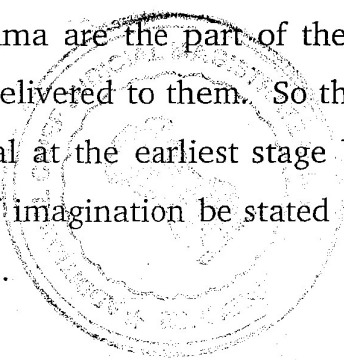
4. It is a known fact to the prosecution as well as to the accused that the present matter is transferred to this Court and it is made time bound by the Hon'ble Supreme Court. Still such type of applications are being deliberately filed with an intent to prolong the matter. There is no



dispute about the fact that the prosecution faltered big time by not bringing the muddemal on record from the start of the evidence itself. The prosecution was oblivious of the fact that there is muddemal shown in the present chargesheet by the Investigating Officer. The prosecution became aware of this fact only when PW-19 Pradeep Aphale, Investigating Officer was called as a witness before this Court.

5. The prosecution thereafter filed application Exhibit-257 on 14.11.2025 to issue notice to Senior PI of the Police Station for production of documents. The notice was issued and thereafter these additional documents which are shown as muddemal in muddemal receipt were produced by the concerned Officer of Police Station on 20.11.2025. Now it is the intent of the prosecution to rely upon these documents, but till the end of February, the prosecution deliberately failed to provide copies to the accused of these seized muddemal, which includes several cheques, contract notes, forms, registers, minute books and so on.

6. Apparently the prosecution has much to explain about the delay. But it is incumbent upon the prosecution to provide the copies of the documents on which it is trying to rely upon. Now the submissions of the accused that some new evidence is being brought on record cannot be accepted for the simple reason that the muddemal receipt and the seizure panchanama are the part of the charge-sheet, the copies of which were already delivered to them. So there may be a mistake of not bringing the muddemal at the earliest stage by the prosecution, but it cannot by any stretch of imagination be stated that some new evidence is being brought on record.

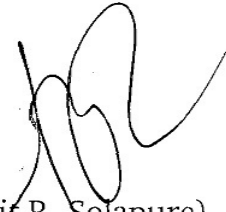


7. Now the accused has found a novel idea of filing several applications which clearly show the intent. Indeed the accused is entitled to the copies and reasonable period. But the present application to recall all 18 witnesses to cross-examine them on these documents in muddemal is absolutely not acceptable. Indeed some of these documents have been given exhibit and articles in the course of examination-in-chief of the Investigating Officer. But it has to be kept in mind that they are by way of mere identification of muddemal and point of proof of all these documents in muddemal is kept open. So when the prosecution should say to recall these witnesses, the accused is trying to put the wheels back.

8. Apparently recalling all these witnesses when the documents in muddemal are given exhibit and article only for the identification purposes, is absolutely not called for and the application itself is not tenable. This Court does not find any reason much less necessity to recall these witnesses for cross-examination by the accused. Hence, the order follows.

ORDER

Application is rejected.



(Abhijit R. Solapure)

Addl. Chief Judicial Magistrate,
47th Court, Esplanade, Mumbai.

Date: 09.03.2026

True Copy

Manish
18/03/26
Judicial Clerk,

Additional Chief Judicial Magistrate's,
47th Court, Esplanade, Mumbai.

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