

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1282 OF 2010

Shri Ram Hassija	...Petitioner
VS.	
The State of Maharashtra & Ors.	...Respondents

Mr.P.D. Dalvi for the Petitioner.
Mr.A.S. Shitole, APP for the State.

CORAM : V.M. KANADE, J.

DATED : JUNE 14, 2010

P.C. :-

1 Heard Counsel for the petitioner.

2 The petitioner in this petition is challenging an order passed by the trial court issuing witness summons to the petitioner herein who has been arraigned as an accused in a complaint filed by the respondent herein after an enquiry was held by the learned Magistrate under Section 202 of

the Cr.P.C. The process was issued against him and thereafter, on an application filed by the complainant, the learned Magistrate has directed the petitioner to produce documents annexed to the said complaint which are in his possession.

3 It is submitted by the Counsel for the petitioner that the petitioner being accused, no direction could be given to the accused to produce these documents since it is directly in breach of his fundamental right as laid down under Article 20(3) of the Constitution of India. In support of the said submission, he relied on the judgment of the Kerala High Court and the judgment of the Apex Court viz. in the case of **V. Gopalakrishnan Nayanar and another, Petitioners v. K.V. Sasidharan Nambiar and another, Respondents**, reported in 1996 Criminal Law Journal 1302 and **State of Gujarat, Appellant vs. Shyamlal Mohanlal Choksi & Another**, reported in AIR 1965 SC 1251.

4 In view of the ratio of the judgment laid
down in the said case, prima facis case is made out
by the petitioner for grant of ad-interim relief.

5 Issue notice to respondent no.2 returnable
after four weeks. In the meantime, the order passed
below Exhibit 11 dated 9th March, 2010 in RCC No.
394/2008 passed by the Joint CJJD and JMFC at
Ulhasnagar, District Thane, is stayed pending
further orders.

(V.M. KANADE, J.)