

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL WRIT PETITION NO. 928 OF 2015

SOPAN S/O GYANBA BANSUDE AND ORS
VERSUS
THE STATE OF MAHARASHTRA & ORS

...
Advocate for Petitioners : Mr.Tawshikar Swapnil D.
APP for Respondents/State: Mr.V.D. Godbharle.

...

CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.
Dated: JULY 28, 2015

...

Heard learned Counsel for the petitioners. He submits that the alleged forged will deed was sent by the petitioners to the handwriting expert and opinion of the handwriting expert clearly shows that the alleged forged signatures and admitted signatures are of the same person. He further tried to invite our attention to the conversation of respondent No.4 and Petitioner No.4 and, submitted that same needs to be considered. It is submitted that civil suit has been filed wherein

status quo order has been passed in favour of the petitioners. He also invited our attention to the grounds taken in the petition and submitted that the petition deserves to be allowed.

2 We have given careful consideration to the submissions of the learned Counsel for the petitioners. With his able assistance, perused the allegations in the FIR. Upon perusal of the allegations in the FIR, it is clearly stated that the forged signatures of the husband of the complainant were made and also the will deed prepared is a forged document. The allegations in the FIR clearly disclose an offence, which needs investigation.

3 The submission of the learned Counsel for the petitioners that handwriting expert's report, which is received at the instance of the petitioners should be taken into consideration, is devoid of any merits. This Court, while exercising writ jurisdiction, is not supposed to enter into the disputed questions of facts. Apart from this, it is only the trial Court which can look into the defence taken by the parties during trial. The another submission of the learned Counsel for the petitioners to look into the conversation between petitioner No.4 and respondent No.4, also cannot be appreciated while exercising writ jurisdiction.

That is also a matter to be considered by the trial Court.

4 In that view of the matter, no case is made out. Writ Petition sans merits and stands rejected.

(A.I.S. CHEEMA, J)

(S.S. SHINDE, J)

kadam/