

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 1938 OF 2015

Rakesh Prakash Sharma

... Petitioner.

V/s.

State of Maharashtra

... Respondent.

Mr. Kapil P. Dave Advocate for the Petitioner.

Mr. Ajay S. Patil, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 17th JULY, 2015

P.C. :

1 Admit. Heard finally.

2 Heard the learned Advocate appearing for the petitioner and the learned additional public prosecutor for the State.

3 The petitioner had allegedly forged the document of letter head of the SEBI. It appears from the statements of the witnesses that the petitioner may be able to demonstrate that he might not have forged the alleged document. However, there is a strong prima-facie case to show that the petitioner had used forged documents as genuine documents. The letter in question was on the letter head of the SEBI. The contents of

the document were not written by any of the officers of the SEBI. The letter was sent by the petitioner from his e-mail ID to his friends. As such this is exclusively within the knowledge of the petitioner. The petitioner will have to explain it under section 106 of the Evidence Act. No case is made out for discharging the petitioner. However, the petitioner shall be at liberty to demonstrate before the trial court at the time of framing charge that he was not responsible for creating the false documents. Charges can be framed accordingly by the learned Magistrate.

4 Writ petition stands disposed of.

(JUDGE)

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