IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3043 OF 2017

1 Jagdish s/o Kachrulal Sarda, age 43 years, Occ. Business, R/o. Subhash Chowk, Parli (Vai) Tq. Parli (Vai), Dist. Beed. … **Applicants.**

2 Kedar s/o Kachrulal Sarda, Age 41 years, Occ. Business, R/o. Subhash Chowk, Parli (Vai) Tq. Parli (Vai), Dist. Beed.

V E R S U S

The State of Maharashtra. Through Police Station Officer, Police Station Parali (City), Tq. Parli (Vaijinath) Dist. Beed. **Respondent.**

Mr. E.P.Sawant, learned Advocate H/f Mr. M.P. Kale, learned Advocate for the Applicants
Mr. A. R. Borulkar, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.
DATE : 12th July, 2017

ORDER :

1. Heard Mr. Sawant, learned counsel appearing for the applicants and Mr. Borulkar, learned APP appearing for the respondent/state.

2. This is an application in connection with Crime No. 202/2017 registered with Parali (City)

police station, District Beed for the offences punishable under section 406, 409, 420, 465, 467, 468, 471 read with section 34 of the Indian Penal Code.

3. One Kailas Totla resident of Parali lodged a complaint with police station Parali (City) alleging that, in the year 2010 the present applicant No. 1 along with other partners started a business of Ginning and Processing at village Karam Tq. Sonpeth. Accordingly, a partnership-deed was executed between them on 30.12.2010. Such business was started in the month of December 2012. In the year 2014 there was difference of opinion between the partners, therefore, amicably they decided to retire from the business and they prepared a deed to that effect and the retirement-deed was handed over the present applicants No. 1 and 2. There was dispute between the informant and the present applicants about the accounts of the business. On 29.12.2014 the applicants under their signatures and the signature of other partners have submitted an application before the Registrar of Firms on which the applicants have signed as the informant. Subsequently, the informant collected the information

under Right to Information Act, on which it was revealed that, the number of pages of the deed were removed and substituted by making forgery of signature of the retired partners. On the basis of the above information offence came to be registered against the applicants

4. From the contents of the first information report prima-facie it appears that there was dispute between the informant and the present applicants about the accounts of profit and loss of the business. Furthermore, from the order passed by the learned Additional Sessions Judge, particularly, from para No. 7 it appears that, the advocate of the original complainant as well as A.P.P. have submitted, that a person on behalf of the present applicants had been to the police station to hand over the necessary and relevant documents in connection with the present crime, however, the investigating officer refused to accept the same.

5. The applicant No. 1 has also filed an affidavit to that effect in the present proceeding and thereby stated that in spite of producing the

necessary documents before the investigating officer he refused to accept the same.

6. As per the order passed by this Court on 27.06.2017, Mr. Sawant, learned counsel appearing for the applicants makes a statement that, the applicants appeared to submit all the relevant documents to the investigating officer, however, the same were not accepted and therefore the relevant documents were submitted by the applicants before the Sessions Judge and its copies were given to the Public Prosecutor.

7. Today Mr. Sawant, learned advocate appearing for the applicants further submits that, whatever documents in possession of the applicants,they would be produced before the investigating officer.

8. On 27.06.2017 interim order was granted to the present applicants. Today on behalf of the applicants the list of documents and the copy of the application submitted to the investigating officer is produced on record and is taken on record and marked as exhibit 'X' for identification. From the list of the documents it appears that, the copy of the

partnership-deed of 2010, original incoming and outgoing partnership-deed of 2014 and other relevant documents were produced before the investigating officer. Now, in view of the fresh submission made by the learned advocate appearing for the applicants that, the applicants are ready to produce the documents which are in their custody. In view of the above, no custodial interrogation of the applicants is required.

9. Learned APP further submits that the applicants have attended the police station and gave their specimen signatures, however, they have not given their specimen handwriting. I am unable to understand when the specimen signatures of the applicants were obtained by the investigating officer, at that time what was the difficulty for the investigating officer to take their specimen handwriting. This conduct of the investigating officer goes to suggest that he is for insisting the attendance of the present applicants any how.

10. In view of the above, the custodial interrogation of the applicants is not necessary.

Hence, pass following order.

O R D E R.

(1) Application is allowed.

(2) In the event of arrest of the applicants in connection with Crime No.202 of 2017, registered with Parali (City) police station District Beed, they be released on bail on their furnishing P.R. bond of Rs. 25,000/- (Rupees twenty thousand only) each, with one surety in the like amount.

(3) Criminal Application is disposed-of.

(K.L. WADANE, J.)

mkd/-