

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

CRIMINAL APPLICATION NO.631 OF 2018

Shri Jayesh Shah ... Applicant

Vs.

M/s.Visa Syndicates & Ors. ... Respondents

Mr.Jayesh Shah, Applicant-in person – present

Ms.Rutuja Ambekar, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: OCTOBER 31, 2018

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant in person submits that though he has served respondent Nos.1 and 2, they have refused to accept the service.
3. This application is directed against the order dated 4.1.2018 passed by the Learned Metropolitan Magistrate, 6th Court, Mazgaon at Sewri, Mumbai in C.C. Nos.325/SW/2006 to 328/SW/2006. The present applicant is the original complainant, who has filed the complaint, wherein the process is issued under

section 420 of the Indian Penal Code. On 4.1.2018, the matter was fixed for evidence before the learned Magistrate. At that stage, an application was moved by the applicant to file certified true copies of the record and proceedings with the Registrar of Companies, Jaipur and it was prayed that those copies are to be taken on record and they are to be exhibited. It was contested by the accused on the ground that the relevancy of these documents is not specified and, therefore, they cannot be taken on record. The learned Metropolitan Magistrate has rejected the said application on the ground that the matter is fixed for 'before charge' and after recording of evidence, the Court can arrive at a conclusion about the relevancy of the proposed documents where they are to be taken on record and to be exhibited and, therefore, it held that the application is not tenable at that stage.

4. The complainant/applicant appearing in person has submitted that all these certified true copies are the public documents and hence, they are to be exhibited, without any formal proof by the Court.

5. Considered the submissions and the order passed by the learned Metropolitan Magistrate. The learned Metropolitan

Magistrate wants the complainant to give evidence before framing charge in respect of the contents of the complaint; his evidence and also, he can explain the relevancy of the documents which will enable the learned Magistrate to understand the relevancy of those documents. Then, after considering the accusation and the nature of the offence, the learned Metropolitan Magistrate can decide the relevancy of the said documents and if the documents are found relevant, the Court may at the time of trial and during the recording of evidence, may exhibit the said documents.

6. In view of the above, no interference is required with the impugned order. Application is dismissed.

(MRIDULA BHATKAR, J.)