

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1263 OF 2019

IN

WRIT PETITION NO. 5353 OF 2015

City and Industrial Development
Corporation of Maharashtra Ltd & ors. ...Applicants

In the matter between

Vishwanath Harishchandra Chaudhari ...Petitioner

Versus

City and Industrial Development
Corporation of Maharashtra Ltd & ors. ...Respondents

WITH

WRIT PETITION NO. 5352 OF 2015

Harishchandra Vinayak Chaudhari ...Petitioner

Versus

City and Industrial Development
Corporation of Maharashtra Ltd & ors. ...Respondents

Mr. Akhilesh Dubey, a/w Vagish Mishra & Mr. Siddesh
Rajput, I/b Law Counsellors, for the Petitioner.

Mr. A. M. Kulkarni, for Respondent nos.1 and 2.

Dr. K. R. Kulkarni, AGP for the Applicants in CA and for the
Respondents in WP.

Mr. Vikas Salvi, CBD Police Station, Navi Mumbai, present.

**CORAM: R. M. BORDE &
N. J. JAMADAR, JJ**

DATED: 4th JUNE, 2019

PC:-

1. It is alleged by the City and Industrial Development Corporation ('CIDCO') Authority that the letter dated 13th October, 2016, produced by the Petitioner in this petition on 21st April, 2017, is forged and fabricated and, it has not been

issued by the Corporation. It is urged by the CIDCO Authority that a stern action is required to be taken against the Petitioners, who are instrumental in producing the manufactured and fabricated document on record of this Court. This Court vide order dated 26th April, 2017, recorded the contentions of the Respondent – CIDCO administration as well as the Petitioner, who has categorically denied the allegation as regards the fabrication of the document. This Court has directed the Registrar (Judicial) to keep the document in sealed cover and the same is directed to be produced as and when the Court issues necessary order. It is informed that the first information report has been recorded and the investigation in respect of the offence is in progress.

2. The learned AGP appearing for the State urges that the document, in question, which has been kept in the custody of the Registrar (Judicial) is necessary for the purpose of investigation and it is requested to hand over the said document to the Officer in-charge of CBD Belapur Police Station, Navi Mumbai.

3. There is no reason to refuse the reasonable request made by the State Government. It would be necessary for the

Investigating Officer to secure the alleged forged document for the purpose of further investigation in the matter.

4. For the reasons recorded in the application, the application is allowed in terms of prayer clause (a).

5. The document, in question, shall be handed over back to the Registrar (Judicial) in the same condition immediately after completion of investigation. We direct, the Police authority to complete the investigation and return back the document to the Registrar (Judicial) of this Court as expeditiously as possible, preferably within three months from today.

6. The true copy/photostate copy of the document, in question, shall be retained by the Registrar (Judicial).

7. The Civil Application stands disposed of in aforesaid terms.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]