

Anand

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

WRIT PETITION NO. 4440 OF 2018

Nikhil Santosh Chaudhari .Petitioner

Vs.

Roshan Punjaram Bhadane & ors. .Respondents

Mr. A. R. S. Baxi, Advocate, for the Petitioner

Mr. K. V. Saste, APP, for the Respondent – State

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : 08.03.2019

P.C.

. Heard learned counsel.

2. Complainant (Respondent No. 1) has claimed that he was misled and his signature was obtained on Vakalatnama and on a blank paper which were used in Aurangabad High Court. The record shows that FIR was registered on 21.08.2016 against present Petitioner and one Advocate who appeared in the matter in High Court. After completing investigation, Charge-sheet has been filed against both on 27.03.2018. This Petition then came to be filed on 05.10.2018.

3. Submission of learned counsel for Petitioner is grievance about forged signature and Vakalatnama was made before Aurangabad Bench in Civil Application No. 12206 of 2015 on 22.04.2016. Aurangabad Bench has found no substance in it. It is further submitted that Petitioner has not been given appointment order despite adjudication in his favour by Respondent No. 4.

4. Grievance about not issuing appointment order cannot be looked into in this jurisdiction. Statement of Advocate recorded on 05.08.2017 forms part of Charge-sheet. Advocate has stated that a boy, who disclosed his name as Roshan (present Respondent No. 1) came to him in Septemeber, 2014 and he had brought Vakalatnama duly filled in. He also has stated that he in his own handwriting mentioned his name and address upon it and signed that Vakalatnama. That boy, thereafter, told him that he was not interested in service. He has also claimed that stand to the contrary taken by said Roshan in review was wrong at false.

5. It is apparent that after considering all material, police have filed Charge-sheet as mentioned supra. Petitioner, therefore, can approach trial Court with appropriate request. We are not inclined to interfere in extra ordinary jurisdiction in these facts. Keeping all contentions of Petitioner open and with said liberty, we dispose of present proceedings.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)