

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 CRIMINAL WRIT PETITION NO.726 OF 2021

A.U. SMALL FINANCE BANK LTD.THROUGH, RAHUL S/O
RAMESHRAO PUND
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. Shete Umesh N.
APP for Respondent-State: Mr. S.J. Salgare
.....

**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.
DATED : 2nd JULY, 2021**

PER COURT:-

1. We have heard learned counsel for the petitioner at length. It appears that respondent No.2 has issued summons to the petitioner to produce certain documents in terms of the provisions of Section 91 of Cr.P.C. In terms of provisions of Section 91 of Cr.P.C. the Officer in charge of the police station may ask for production of any document or other thing necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding and the person in whose possession or power such document or thing is believed to be, may attend the said proceeding and produce the document, as directed. In terms of sub-section (2) of Section 91 of Cr.P.C. any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition or things to be produced instead of attending personally to produce the same.

2. Learned counsel for the applicant, on instructions, submits that the petitioner has complied with the direction in terms of notice under Section 91 of Cr.P.C. dated 18.1.2021 and also subsequent thereto. Learned counsel submits that even though respondent No.2 is issuing reminders for personal attendance of the petitioner.

3. We have carefully gone through the contents of first reminder issued in the month of May, 2021 at Exh. "R" page 125. It appears that the petitioner has furnished his detail explanation as per documents Exh. "S" page 126 to 128. It is thus for respondent No.2, after consultation with his superior, to propose any action or otherwise to drop the proceeding. At this stage, it is a premature to file the present writ petition. The petitioner is at liberty to challenge the action, if any, proposed or taken by respondent No.2 in connection with the said enquiry. At present we do not find any substance in this writ petition. We are not inclined to enter into the merits of the said enquiry. Hence, we proceed to pass the following order:-

O R D E R

Writ petition is hereby rejected.

(S. G. DIGE, J.)

(V. K. JADHAV, J.)

rlj/