

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1460 OF 2022

**PREMCHAND NEMICHAND JAIN
VERSUS
SUNIL NEMICHAND JAIN AND ANOTHER**

...

Advocate for Petitioners : Mr. Panale Sachin S.
APP for Respondent/State : Mr. S.P. Sonpawale
Advocate for Respondent No.1 : Mr. Patil Dnyaneshwar J

...

CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 07, 2023

PER COURT:-

1. Heard learned counsel for the petitioner and learned counsel for non-applicant no.1.
2. The applicant/accused moved an application before the learned trial Court restraining the prosecution to lead the evidence over the stamp paper on which the alleged will deed was executed. In other words, he has applied to the trial Court to avoid the oral evidence over the stamp paper which has been allegedly forged.
3. No law provides restraining the opponent to lead the evidence whatsoever its nature is. If the applicant has evidence to disbelieve the allegations of forgery, he may bring this fact in cross-examination of the witness. Therefore the application is devoid of merit.

There is no error in the impugned order. Hence, the petition stands dismissed.

(S.G. MEHARE, J.)

Mujaheed//