

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

WRIT PETITION NO.1076 OF 2018

Arun Narayan Gawand

.. Petitioner

Vs.

The State of Maharashtra and Anr.

.. Respondents

Mr. Aniket Gawand, i/by Mr. Rajendra P. Javanjal, for the Petitioner.

Mr. Y.M. Nakhwa, APP for the Respondent–State.

CORAM : SUNIL B. SHUKRE & ABHAY S. WAGHWASE, JJ

DATE : 13TH MARCH, 2023.

P.C. :

1. Heard learned counsel for the petitioner and learned APP for the respondent–State.

2. It is the grievance of the learned counsel for the petitioner that some of the documents, which the petitioner states to be forged ones, have not been seized by the Police Authorities during the course of investigation and therefore have not been filed by the Investigating Officer along with the Charge–Sheet. According to learned counsel for the petitioner, these documents are necessary for finding guilt of the accused persons with regard to the charge of forgery and cheating. This is the reason why learned counsel for the petitioner prays for transfer of the investigation.

3. Learned APP for the respondent-State submits that the Charge-Sheet has been filed long back and today the criminal case is pending at the stage of recording of evidence of the prosecution and therefore now it is too late in the day to make any order for further investigation or transfer of investigation.

4. Considering the stage of the trial of the criminal case and also the fact that basically the dispute underlying the criminal complaint has civil overtones, we are not inclined to entertain this petition. However, in the interest of justice, liberty can be granted to the petitioner to make an application before the trial court for grant of permission to assist the prosecution and if that permission is granted, the petitioner would have the liberty of filing the documents, which the petitioner calls to be forged ones, through the learned APP, for appropriate consideration by the concerned trial court.

5. The petition is therefore dismissed with liberty to the petitioner to file an application before the trial court for grant of permission to assist the prosecution with further liberty to file the relevant documents through the learned APP.

[ABHAY S. WAGHWASE, J.]

[SUNIL B. SHUKRE, J.]