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

25 CRIMINAL WRIT PETITION NO. 426 OF 2025

RAFIQ A RAZAK PATEL

....Petitioner

VERSUS

ANKUSH MANIKRAO DHERE

.....Respondent

Mr. T. M. Venjane, Advocate for the petitioner

CORAM : KISHORE C. SANT, J.

DATE : 22nd JULY, 2025

P. C.

1. Heard the learned advocate for the petitioner.
2. The petitioner- original accused had filed an application for de-exhibiting the documents i.e. cheque exhibited during the evidence of complainant.
3. The accused facing trial had raised an objection to exhibit the said cheques on the ground that the cheques in question produced in the court are laminated cheques and may

not be original. A color photo copy is produced without obtaining permission to lead secondary evidence on record. The court considered the objection and marked the cheques as Exh. 69 to 75 subject to objection.

4. The accused thereafter filed an application Exh.86 with a prayer to de-exhibit the document i.e. Exh.69 to 75. The learned trial Judge by impugned order dated 17-12-2024 rejected that application as well. It is observed that the application for de-exhibiting the documents is filed after almost eleven months. The order of exhibiting the documents is not challenged. There is no provision to de-exhibit the documents. By observing this, the application came to be rejected.

5. Mr. Vyanjane, learned advocate vehemently submits that in the present case no permission is sought to lead the secondary evidence. The court has still exhibited the cheques which are laminated. Other documents were also exhibited in routine manner without considering that those are not properly

exhibited. He, therefore, submits that the learned trial Judge has failed to appreciate this aspect and has rejected the application.

6. This court has considered the evidence to the extent wherein cheques are exhibited and the learned trial Judge has put up this note that cheques are exhibited subject to objection.

7. On hearing the submission and on going through the application and orders, this court finds that there is no provision to de-exhibit the documents. So far as cheques whether it is original or not is concerned, this court finds that this is not the stage where this court should record any findings. The application for de-exhibiting is rejected, however, it is still open for the petitioner to raise the said question while arguing the complaint. It is open for the trial court to consider this aspect while deciding the complaint. As on today, no finality can be given to this aspect.

8. Considering above, this court is not inclined to

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entertain the petition. The petition, therefore, stands disposed off.

9. It is open for the petitioner to raise an issue during the course of the argument in the complaint.

[KISHORE C. SANT, J.]

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