



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 592 OF 2025

Vinod Shaligram Patil,
Age. 50 years, Occ. Business,
R/o. At Sunoda Post Tandulwadi,
Tq. Raver, Dist. Jalgaon.

... Petitioner

Versus

Sunil Balu Patil
Age. 44 years, Occ. Business,
R/o. Sunil Construction, Nimbhora,
Tq. Raver, Dist. Jalgaon.

....Respondent

...

Advocate for Petitioner : Mr. Chinmay V. Kini
a/w. Mr. Murar Deshpande h/f. Mr. Suryawanshi Kalpesh Bhaskar
Advocate for Respondent : Ms. Sharayu K. Dhanture
h/f. Mr. Gore Ravindra Vitthal

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CORAM : ABHAY J. MANTRI, J.
DATE : 20th NOVEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally by consent of the learned counsel for the respective parties, and perused the impugned order and record.
2. The applicant/original accused, being aggrieved by the order dated 27.01.2025, passed by learned Judicial Magistrate First Class, Raver (for short '*the Magistrate*'), below exhibit 29 in SCC No. 735/2023, whereby the application filed by the applicant for directing

the respondent to produce the document has been rejected, has preferred this Writ Petition.

3. The only contention of the learned Advocate for the applicant is that, as per Section 91 of the Code of Criminal Procedure (for short '*the Cr. P. C.*') petitioner is entitled to seek a direction against the respondent to produce the document before the Court to prove, as those documents are necessary for the determination of the question in dispute. As such, he urged that the petition be allowed. However, he failed to satisfy this Court that under Section 91 of the Cr. P. C., how can he file the application seeking the relief as claimed?

4. Apart from this, it appears that the respondent filed proceedings under Section 138 of the Negotiable Instruments Act (for short '*the N.I. Act*',) against the applicant and, therefore, in my view, the alleged so-called document, which he has sought by application exhibit 29, is not relevant for the determination of the controversy between the parties. Therefore, I do not find substance in his contention in that regard.

5. It appears that the learned Judge, after considering the record, has observed that the petitioner is not entitled to seek direction against the respondent as to what type of evidence he should lead. It is the prerogative of the complainant to adduce the evidence as per his

wish. As such, I do not find any illegality or perversity in the impugned order to interfere in the writ jurisdiction. The Criminal Writ Petition, being devoid of merit, stands dismissed. No order as to costs. Rule stands discharged. Inform the order to the learned Trial Court accordingly.

(ABHAY J. MANTRI, J.)

SPC