



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

CRIMINAL WRIT PETITION NO. 1730 OF 2019

**MOHAMMED ABDUL SHAKUR SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
Shri Jadhavar Santosh S., Advocate for the Petitioners.
Ms. Uma S. Bhosle, APP for Respondent No.1/State.
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 13 November 2025

P. C. :-

1. By this petition, the petitioners are challenging the order dated 21.09.2019 passed by learned JMFC, Dhule, on application below exhibit 45 in RCC No.202/2011 by which, the said application preferred by respondent No.2 under Section 173(8) r/w 156(3) of the Code of Criminal Procedure, came to be allowed and learned JMFC directed further investigation to the extent of documentary evidence.

2. Learned advocate for the petitioners submits that there was no necessity for respondent No.2 or learned JMFC to insist for further investigation to the extent of documentary evidence as the complainant can take recourse to Section 91 of

the Code of Criminal Procedure for obtaining said documentary evidence.

3. Learned APP opposed the petition and submitted that there is no error or illegality in the impugned order. No interference is called for in the petition.

4. After going through the impugned order, I found substance in the submissions of learned advocate for the petitioners. The impugned order is not maintainable and deserves to be quashed and set aside. As such, the Writ Petition is allowed. The impugned order is quashed and set aside. Since the complaint pertains to the year 2011, the same shall be decided by learned JMFC expeditiously.

kps

(SUSHIL M. GHODESWAR, J.)