

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.64 OF 2025**

Atmaram Jaywant KalatePetitioner

Versus

The State of Maharashtra & Anr.Respondents

Mr. Bhushan Raut for the Petitioner.

Ms. Supriya Kak, APP for Respondent No.1 - State.

Mr. M.V. Thorat a/w. Ms. Trisha Choudhari for Respondent No.2.

**CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.**

DATE : 22nd JANUARY, 2025

P.C. :-

1. This matter was heard for some time. We expressed our disinclination and granted a pass over, on request.

2. The learned Advocate for the Petitioner submits that the only serious aspect in this case is as regards the Power of Attorney dated 7th December, 2009, which bears the signatures of Mr. Navin Chandurao Nalawade, the Complainant in FIR No.0146 of 2021 dated 25th June, 2021 registered with the Paud Police Station, Pune, Rural and Mr. Atmaram Jaywant Kalate. These signatures are said to have been affixed in the presence of the Advocate Mr. Sanjay Jain. However, Advocate Sanjay Jain has not signed on the Power of Attorney.

3. Further contention of the Petitioner is that a retired Police Officer, viz., Mr. Gulabrao Pol, who is related to the Complainant in this case, had delivered the said Power of Attorney document to the Petitioner. The grievance of the Petitioner is that this aspect of the matter is not being investigated into, deliberately, by the Investigating Agency. The learned Advocate for the Petitioner, therefore, submits that if the Petitioner is given the liberty to approach the Trial Court and raise this issue, with a request for more investigation, the Petitioner desires to withdraw this Criminal Writ Petition.

4. The learned Advocate for the Complainant submits that if the above contention of the Accused is a part of the investigation and if the charge-sheet reflects on this aspect, no further investigation is necessary.

5. In view of the above, **this Criminal Writ Petition is disposed of as withdrawn**, on instructions.

6. The Petitioner is at liberty to peruse the charge-sheet. If he finds that the above aspect, as regards his allegation about the

retired Police Officer generating the Power of Attorney document with the purported forged signature of Mr. Navin Chandurao Nalawade, is not a part of the charge-sheet, he may be at liberty to avail of a remedy, as is permissible in law, by filing an application before the learned Trial Court, for subjecting this aspect to further investigation. All contentions are kept open. On request, such liberty would also be available to the Complainant.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)