

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5717 OF 2024

Irfan Jalalkhan Almel & Ors. ...Petitioners
Versus
State of Maharashtra & Anr. ...Respondents

Mr. Karma Vivan, a/w Mr. Tejas Kothalikar, Advocate for Petitioners.
Ms. P.P. Bhosale, APP for State.
Mr. Vikas Shivarkar, Advocates for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 11th June 2025

P.C.:

1. Mr. Shivarkar, learned Counsel for the Respondent No.2 points out *Roznama* dated 31st August 2024 recorded in Criminal Appeal No.82 of 2022 which is reproduced herein below :-

Case No.:	Cri.Appeal / 82 / 2022	CNR Number:	MHPU290032902022
Today's Date	Roznama		Next/Disposal Date
31-08-2024	called on today Applicant and Adv present App present Both Adv argument heard Case Adjourn for: Judgment		24-09-2024
<i>En34. Applicant files by Appellants</i>			<i>is on P.O. training 15/11/24</i>

Typed copy of above *Roznama* is as follows :-

Todays Date	Roznama	Next/Disposal
31-08-2024	called on today Applicant and Adv present App present Both Adv argument heard	24-09-2024

Roznama dated 31st August 2024 shown on the Website of ecourts.gov.in is as under :-

11/06/2025, 20:58

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Daily Status

Additional District Court Vadgaon Maval
 In the court of :DISTRICT JUDGE-1 AND ADDITIONAL SESSIONS JUDGE, VADGAON
 CNR Number :MHPU290032902022
 Case Number :Cri.Appeal/0000082/2022
 Irfan Jalalkhan Aalmel etc versus The State of Maharashtra
 Date : 31-08-2024

Business : called on today Applicant and Adv present App present Both Adv argument heard
Next Purpose : Judgment
Next Hearing Date : 24-09-2024
 DISTRICT JUDGE-1 AND ADDITIONAL SESSIONS JUDGE, VADGAON

2. Mr. Shivarkar, learned Counsel submits that Exhibit-34 Application, which is mentioned in the *Roznama* in handwriting is a doubtful entry in the *Roznama* and said Exhibit-34 document is

also very doubtful. He states that there is grave possibility that the same is inserted later on after the matter is closed for Judgment.

3. To substantiate said contention, he submits that by said Application bearing Exhibit-34, Record and Proceedings of RCC No. 487 of 2020 was called. He points out Roznama dated 3rd August 2022 wherein it is recorded that the matter is adjourned to 12th September 2022 for receipt of Record and Proceedings. Thereafter, handwritten noting on the *Roznama*, (which is not the part of *Roznama*) mentions that for calling Record and Proceedings, letter has been sent on 16th August 2022 and thereafter Record and Proceedings have been received by the Registry of the learned Sessions Court on 30th August 2022. He further states that the same is reflected in the Roznama dated 12th September 2022 which specifically records that Record and Proceedings was received and thereafter the matter was adjourned for filing paper-book charges. He further states that on 31st August 2024, after hearing the arguments of the learned Counsel appearing for both the sides, the case was adjourned for judgment and thereafter this doubtful document bearing Exhibit-34 has been inserted by handwriting in the *Roznama*. He states that learned

Trial Court on every application has passed order “Other side to say”, which is missing on said Exhibit-34.

4. This is a very serious matter where after the matter is adjourned for judgment, at the instance of the present Petitioner, said Exhibit-34 Application is allegedly filed by contending that the Record and Proceedings be called for. On the face of it, filing of said Application is the abuse of the process of law, when the Record and Proceedings have already been received on 12th September 2022 as reflected in the Roznama and the matter has been heard and thereafter adjourned for judgment.

5. In view of these contentions of the Respondent No.2, learned Counsel for the Petitioner seeks time to file Affidavit.

6. Accordingly, stand over to **25th June 2025**.

7. However, it is clarified that there is no stay granted by this Court to the proceedings of said Appeal No.82 of 2022 and the learned Sessions Judge can proceed with the said Appeal.

(MADHAV J. JAMDAR, J.)