

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 5589 OF 2025**

Mohd. Afzal Mohammed Aslam

... Petitioner

V/s.

The State of Maharashtra & Ors

... Respondents

Mr. Pawan Mali for the Petitioner.

Ms. Madhavi H. Mhatre, A.P.P. for Respondent No.1-State.

Mr. Sharad Jadhav, P.I. a/w Mr. Rahul Kokate, P.S.I. attached to Santacruz Police Station.

Mr. Kundlik Nigade, Retired A.C.P. is present in Court.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 11th NOVEMBER, 2025

P.C. :

1) It is the specific contention of the Petitioner that, though the Police did not file 'B-Summary Report' in the Court of Metropolitan Magistrate, (21st Court) Bandra, Mumbai, a statement was made by one Mr. Deepak Nanche in paragraph No.10 of his Written Submission filed before the Arbitral Tribunal, in the matter between Mr. Deepak Nanche Vs. Mr. Mohd. Afzal Mohammed Aslam & Ors, that, "the complaint filed by the respondent before the CMM Court have been duly investigated by the police officer and accordingly the said officer have filed "B" Summary report". The said report was annexed as Exhibit- "A" (Colly) to the said written

submission. It is further stated therein that, the said report and the contents and documents annexed with said report clearly shows malafide intention of Respondents i.e. Petitioner herein.

2) Mr. Mali submitted that, 'B-Summary Report' annexed to Petition at page No. 57 onward is a forged and fabricated document manufactured/prepared by said Mr. Deepak Nanche and the same is not on record before the trial Court.

2.1) He drew our attention to the page No. 109 of the Petition, wherein the Judicial Clerk of the concerned Court has put the following note 8th March, 2023 :-

“Respectfully submitted sir,

After perusal of CC No.156/SW/2013, it appears that, no summary report filed in said CC No.156/SW/2013, Applicant filed present application for certified copy of summary report hence order requested.”

After perusing the said note, the learned Judge has passed the following Order :-

“Application disposed off.”

3) If the contention of the learned Advocate for the Petitioner is correct, then it is a matter of grave seriousness concerning the judicial system.

4) We therefore direct the Registrar General, High Court of Bombay to appoint a Judicial Officer of the rank of District Judge, who is presently working at the City Civil Court, Mumbai to conduct an indepth enquiry into the said aspect regarding either submission or non submission of said Summary Report and allegation of manufacture of bogus and or fabricated summary report, filed before the learned Metropolitan Magistrate.

4.1) We request the enquiry officer to place before this Court true and correct facts regarding the said Summary Report.

4.2) The said enquiry be concluded within a period of three weeks from the date of receipt of present Order.

4.3) The Enquiry Officer is at liberty to record statements of all the concerned persons, whom he feel necessary for conducting the said Enquiry.

5) Stand over to 10th December, 2025.

6) To be placed under the caption 'For Directions'.

7) All the concerned to act on the basis of an authenticated copy of this Order.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)