

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5749 OF 2025**

Jagruti R Parikh

..Petitioner

Versus

Aryama Through Akshaye Narendra Sheth & Anr

...Respondents

Adv Dimple Shah (through VC), with Siddhant Vakil & Varun Shah,
for the Petitioner.

Shri P. P. Malshe, APP, for Respondent No.2-State.

CORAM: N. J. JAMADAR, J.

DATE : 11th NOVEMBER 2025

P.C.:

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 13th October 2015, passed by the learned Additional Sessions Judge, Gr Mumbai, whereby Revision Application preferred by the Petitioner against the marking of the documents at Exhibits “18 to 39”, came to be rejected.
3. The learned Counsel for the Petitioner invited attention of the Court to an earlier order dated 18th July 2023, passed by the Magistrate whereby the objection as to the admissibility of the documents were rejected, keeping open objections as to proof of contents of documents produced by the complainant along with list Exhibit 16 and the documents at Sr. Nos. 1, 3 to 23 were marked with exhibit numbers.

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4. The learned Counsel submits that by the order dated 23rd January 2024, the documents were straightway marked in evidence without contents of the documents being proved. The learned Counsel for the Petitioner invites attention of the Court to the paragraph 17 (page 36 of the Petition).

5. In fact the said paragraph appears to be further examination-in-chief of the complainant. Indeed the documents are marked at Exhibits “18 to 39”.

6. It is trite mere marking of the documents is not proof of documents. The learned Magistrate would be required to determine whether the documents were duly proved in evidence.

7. Keeping open the aspect of the proof of documents at Exhibits “18 to 39”, to be determined by the learned Magistrate, at the final adjudication, the Petition stands disposed.

[N. J. JAMADAR, J.]