

Ashish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 270 OF 2025

Sachin Arts India Pvt Ltd & Anr	... Applicants
V/s.	
Aditya Chandrakumar Kothari	... Respondent

Mr. Pulkeshi Gaikwad i/b Mr. Dinesh Tiwari for the applicant.

Mrs. Rajashree Newton, APP for respondent -State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 9, 2025

P.C.:

1. By the present revision application, the applicant has questioned the order passed by the learned Additional Sessions Judge, Thane in Criminal Appeal No. 172 of 2019. The grievance of the applicant is that the Sessions Court refused to initiate proceedings under Section 340 of the Code of Criminal Procedure, 1973, read with Section 195 of the Indian Penal Code, against respondent no.2, alleging that respondent no.2 had given false evidence and fabricated documents in a judicial proceeding.

2. The law on this point is settled by the Constitution Bench of the Supreme Court in *Iqbal Singh Marwah v. Meenakshi Marwah*, (2005) 4 SCC 370. The Apex Court has clearly held that a court is not bound to make a complaint under Section 340 Cr.P.C. in every case where an offence under Section 195(1)(b) appears to have

been committed. The section itself uses the words “court is of opinion that it is expedient in the interests of justice.” Thus, the court must first form an opinion that filing of such a complaint is required in the interest of justice. This requirement is not satisfied by the mere allegation that a forged or false document has been used in judicial proceedings. The court has to examine whether the alleged act has an adverse impact on the administration of justice. Even where the document may cause personal loss or injury to a party, if its effect on the course of justice is negligible, the court may still decline to proceed. At the same time, the Supreme Court cautioned that any interpretation which leaves the victim of forgery remediless should be avoided.

3. The case of the applicant is that respondent no.2 suppressed a material document, namely the letter dated 30 May 2013. According to the applicant, this document formed the foundation for the proceedings under Section 138 of the Negotiable Instruments Act which ultimately led to his conviction. It is therefore argued that by withholding or manipulating this foundational document, respondent no.2 has rendered himself liable for prosecution under Section 195 of IPC.

4. The learned Sessions Judge, while considering this aspect, has recorded reasons for refusing to initiate proceedings. The Sessions Court has noted that during the trial, the applicant was given full opportunity to cross-examine the complainant. However, in the course of cross-examination, the applicant did not specifically put questions to respondent no.2 regarding the alleged suppression or fabrication of the said document. The Sessions

Judge has further found that the applicant failed to bring on record any concrete material to establish that the document was deliberately fabricated or materially altered with the intent to mislead the court.

5. In my considered view, the reasons assigned by the Sessions Court are sound and fall within a possible view of the matter. The discretion exercised by the Sessions Court is in accordance with the settled principles laid down in *Iqbal Singh Marwah* (supra). Unless the court finds deliberate fabrication of evidence having a direct bearing on administration of justice, initiation of prosecution under Section 340 Cr.P.C. cannot be directed. The Sessions Court has rightly held that no such material exists in the present case.

6. Thus, no interference is warranted in revisional jurisdiction. The impugned order calls for no interference. The revision application, being devoid of merits, stands dismissed.

(AMIT BORKAR, J.)