



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION(APL) NO. 1140 OF 2025

Mohd Yakub Haji Mohd. Hanif and anr. Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms.Radhika G.Bajaj counsel for the applicant.
Mr.Ujjawal Phasate, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 22/09/2025

1. The applicant has challenged the order dated 04/03/2025 passed by the trial court below Exhibit 48 in RCC No.1103 of 2018. The applicant, who is the accused in RCC No.1103 of 2018 is facing the trial for the offences punishable under Sections 193, 420,468,471 and 478 of the Indian Penal Code.

2. The applicant has filed this application as at the time of framing of charge for offence of forgery, report of hand writing expert was not on record. If the hand writing expert's report is negatived, then it would be the case for the applicant to file the application for discharge and therefore, filed the application to defer the charge till receipt of hand

writing expert's report. The said application was rejected by the trial court stating that already the application for discharge is rejected by the said Court and it was not challenged by the applicant. There are witnesses and this cannot be the ground to defer the trial. Hence, rejected the application.

3. The learned counsel for the applicant has stated that as per Section 207 of the Code of Criminal Procedure, it is required to give all the documents to the accused before initiation of trial. It is mandatory as per Section 238 of the Code of Criminal Procedure to comply the provisions of Section 207 of the Code of Criminal Procedure. It will cause injustice to the applicant, if without said report, the trial is initiated. Since 2018, though the specimen signatures are taken by the hand writing expert, the report is not forwarded or filed along with the charge sheet. Hence, prayed to defer the framing of charge till receiving the report of the hand writing expert.

4. The learned APP opposed the application stating that already the discharge application is rejected. The hand writing expert's report is not the only evidence against this applicant. The witnesses are there. Till the filing of the submission of the hand writing expert's report, other

witnesses can be examined. Hence, prayed to reject the application.

5. Heard the learned counsel appearing for the applicant and the learned APP

6. The trial is stalled for non production of the hand writing expert's report along with the charge-sheet. The charge-sheet is filed under Section 468 and 471 for forgery. It is the duty of the prosecution and the police machinery to bring all the relevant documents on record along with charge-sheet. Since, 2018, hand writing experts report is not on record. The direction is given to the concerned police station to submit the said report within a period of 15 days from the date of the order, till then the trial Court is directed not to proceed further for framing of charge.

7. Criminal Application stands disposed of.

JUDGE