



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1798 OF 2025

Abdul Hannan Mahamad Yusufoddin

VERSUS

The State Of Maharashtra And Another

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- Mr. C. V. Thombre, Advocate for the Petitioner
- Mr. R. K. Ingole, APP for Respondent No. 1 - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 05.01.2026

PER COURT :

1. Heard.
2. The petitioner challenges the order dated 01.01.2025 passed by the learned Judicial Magistrate First Class in Criminal Miscellaneous Application No. 336 of 2023, whereby cognizance was taken of the complaint filed by the complainant for the offences punishable under Sections 420, 465, 467, 468, 470 and 471 of the Indian Penal Code, and summons were issued to the accused/petitioner.
3. The petitioner had challenged the said order before the Revisional Court by filing Criminal Revision No. 11 of 2025 before the Sessions Court at Beed. The learned Revisional Court, by its order

dated 15.07.2025, examined the maintainability of the complaint and held that the Trial Court had followed the procedure by calling for a report under Section 202 of the Code of Criminal Procedure.

4. The police authority submitted its report stating that there was a discrepancy in the signatures appearing on the surrender application and the licence agreement and suggested that the opinion of a handwriting expert be obtained. Considering the said aspect, the learned Revisional Court partly allowed the revision and directed the Trial Court to refer the concerned documents for the opinion of a handwriting expert, as suggested by the Investigating Officer in the report dated 04.11.2024 below Exhibit-18 in Criminal Miscellaneous Application No. 336 of 2023.

5. Thereafter, the complainant filed an application before the learned Magistrate on 01.10.2025. Time was granted to the accused/petitioner to file his say. However, as the petitioner failed to do so, the learned Magistrate passed an order dated 26.11.2025, observing that sufficient opportunity was granted and directed that the application be proceeded with without the say of the accused/petitioner herein.

6. I do not find any error committed by the learned Magistrate in directing the application to be proceeded with, in the absence of the

petitioner's say. However, since the Revisional Court has already directed that the documents be referred for obtaining the opinion of a handwriting expert, it would be expedient for the Trial Court to act in accordance with the said directions.

7. Hence, the present writ petition is disposed of with a direction to the learned Judicial Magistrate First Class, Georai, to refer the concerned documents for obtaining the opinion of a handwriting expert and thereafter decide the complaint in accordance with law.

(MEHROZ K. PATHAN, J.)