

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4059 OF 2024

Dr. Nilesh Ashok Lohar : Petitioner.
Versus
State of Maharashtra & Anr. : Respondents.

Mr. Tejas Muzumdar a/w Adv. Prajit S Manjarekar for the
Petitioner.

Mr. Sukanta Karmakar, APP for the Respondent/State.

Mr. Prakhar Tandon a/w Mr. Aatish Tayade and Adv. Turuja
Shedge i/by Mr. Ravleen Sabharwal for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 01 APRIL 2026

PC:-

1. Heard Mr. Tejas Muzumdar, learned Advocate for the
Petitioner, Mr. Sukanta Karmakar, learned APP for the
Respondent/State and Mr. Prakhar Tandon, learned Advocate
for the Respondent No.2.

2. By the present Petition, the Petitioner has sought for the
following relief :-

*“(b) That the records and proceedings in respect of
C.C. No.836/PW/2014 pending before the Learned
Metropolitan Magistrate, 71st Court, Bandra, Mumbai be
called for from the Court of the Learned Metropolitan
Magistrate, 71st Court, Bandra Mumbai, and after perusal*

of the same and considering the propriety, legality and equity, this Hon'ble Court may be pleased to quash and set aside the order dated 28th March 2024 passed below Exhibit 4 in C.C. No.836/PW/2014 pending before the Learned Metropolitan Magistrate, 71st Court, Bandra, Mumbai."

3. Mr. Tejas Muzumdar, learned Advocate for the Petitioner, submits that the Application on which the impugned order is passed was itself not maintainable as the same was not filed by the prosecution and was filed independently by the victim/informant.

4. Mr. Sukanta Karmakar, learned APP for the Respondent/State, on instructions, submits that the Application being filed by the victim/informant would not be tenable. He, therefore, submits that the impugned order in the present Petition be quashed by consent. He, however, requests for liberty to the prosecution to file appropriate application for production of documents before the Trial Court.

5. Mr. Tejas Muzumdar, learned Advocate for the Petitioner, does not object to the said request made by Mr. Sukanta Karmakar, the learned APP for the Respondent/State, and further fairly states that the prosecution is entitled to file application for production of documents, if permissible in terms of law.

6. In view of the concession made by Mr. Sukanta Karmakar, the learned APP for the Respondent/State, the order impugned in the Petition is quashed and set aside. The prosecution is at liberty to file an appropriate application for

production of documents. If such an application is filed , the learned Trial Court to consider the same on its own merits and in accordance with law.

7. Criminal Writ Petition No.4059 of 2024 is disposed of in the above terms.

(ASHWIN D. BHOBE, J.)