

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 297 OF 2026

Pasadyan Charitable Foundation & anr. ..Petitioners

Versus

State of Maharashtra & anr. ...Respondents

Mr. Rashid Khan a/w Mr. Vivek V Phadke, for the Petitioners.

Mr. D J Haldankar, APP for the Respondent – State.

Mr. Jatin P Karia (Shah) a/w Ms. Snehankita Munj &

Ms. Shraddha Kamble, for Respondent No. 2.

CORAM: N. J. JAMADAR, J.

DATE : 25th MARCH 2026

Oral Order:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to the orders dated 23rd July, 2025 passed by the Metropolitan Magistrate in criminal case bearing CC Nos. 615/SS/2022 and 616/SS/2022, whereby the interim applications preferred by the petitioners-accused for sending the documents dated 10th January 2021 (Exh. A to the petition) for the opinion of the handwriting expert, came to be rejected.
3. The said document was purportedly signed by Vibha Virendra Vora. The said document is on the purported letterhead of Vibha Virendra Vora. Since the witness who was examined on behalf of the complainant did not accede to the suggestions on behalf of the accused with regard to the

authorship of the said document, the petitioners/accused had made the prayer to send the said document for the opinion of the handwriting expert.

4. On the previous date, when the petition was heard, the Court had inquired with Mr. Karia, the learned Counsel for the Respondent No. 2/complainant, as to whether the complainant is willing to examine Vibha V. Vora, who has purportedly signed the said document as a witness.

5. Today, Mr. Karia, on instructions of the complainant, submits that, the complainant is willing to examine Vibha V. Vora as a witness of the complainant. Mr. Karia, the learned Counsel further submits that, since the evidence of the complainant has been closed and the statements of the accused under Section 313 of the Code of Criminal Procedure, 1973, have been recorded, this Court may direct the learned Magistrate to permit the complainant to examine the said witness, and a time frame be stipulated for the examination of the said witness, especially for her cross-examination.

6. In view of the aforesaid submissions on behalf of the complainant, Mr. Khan, the learned Counsel for the petitioners submits that, the petition may be disposed of with a direction to the trial Court to permit the examination of the said witness.

7. Since it is the contention of the petitioners that, the said document was executed by Vibha V. Vora and now the complainant intends to examine the said witness, the petition can be disposed with a request to the learned Magistrate to allow the complainant to examine Vibha V. Vora as a complainant's witness.

8. The complainant shall keep Vibha V. Vora, present for examination as a complainant's witness, within a period of three weeks from today. The accused shall conclude the cross-examination of the said witness preferably in three sessions. In any event, the cross-examination of Vibha V. Vora be concluded within a period of four weeks from the date of her examination-in-chief.

9. The learned Magistrate is requested thereafter to further examine the accused under Section 313 of the Code.

10. The learned Magistrate is also requested to conclude the trial in CC Nos. 615/SS/2022 and 616/SS/2022 as expeditiously as possible and, preferably, within nine months from the recording of further statement of accused under Section 313 of the Code.

11. The Writ Petition stands disposed.

[N. J. JAMADAR, J.]