

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 825 OF 2026

Jeetsingh S/O Vedramsingh

...Petitioner

SANTOSH
SUBHASH
KULKARNI

Versus

1. Michael Anthony Soosai

2. The State Of Maharashtra

...Respondents

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KULKARNI
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Mr. Hitesh Vyas, a/w Chandrashekhar Yadav, Rasik Raut,
Sahadev Vishwakarma, for the Petitioner.
Mr. D. J. Haldankar, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED: 27th FEBRUARY, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The petitioner is aggrieved by an order dated 2nd January, 2025, whereby the learned Magistrate has made an endorsement “put up for consideration” on the application filed by the petitioner – original complainant for investigation of the missing documents from the custody of EOW.
3. By an order dated 24th November, 2022 in Criminal Application No.493/2013, at the instance of the petitioner, the trial in CC No.207/PW/2012 has been directed to be completed within a period of nine months thereafter.

4. The learned Counsel for the petitioner submitted that the vital documents, which are necessary for the determination of the guilt of the accused, including the opinion of the handwriting expert, went missing from the office of EOW and, thus, were not produced before the learned Magistrate. The petitioner, therefore, filed an application before the learned Magistrate seeking investigation into the matter of missing documents produced by the petitioner. On that application, the learned Magistrate has made an endorsement “put up for consideration”.

5. It seems that the documents which are purportedly missing from the record of the EOW are the Memorandum of Understanding dated 2nd February, 2007 and 6th March, 2008, in relation whereof, the opinion of handwriting expert has been obtained.

6. In this backdrop, it was necessary for the learned Magistrate to pass an appropriate order on the application (Exhibit-101) preferred by the petitioner. If the original documents are not traceable; an appropriate course as permissible in law, to prove those documents in evidence is required to be adopted.

7. Thus, the petition stands disposed with direction to the learned Magistrate to pass an appropriate order on the application (Exhibit-101) as expeditiously as possible, and, preferably, within a period of one month from 5th March, 2026, the next scheduled date of the listing of CC/207/PW/2012.

8. The petition stands disposed.

[N. J. JAMADAR, J.]