



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 168 OF 2026

APPLICANT :- Atul s/o Ramesh Gajbhiye,
Aged about 42 years, Occu: Service,
R/o Ward No. 6 Shankar Nagar
Kandri, Tq. Parshivani Kanhan, Pipri
District Nagpur.

..VERSUS..

NON-APPLICANT :- The State of Maharashtra,
through Police Station Officer,
Police Station Kanhan, Nagpur.

Mr. Yash Venkatraman, counsel for applicant.
Mr. K.R. Lule, APP for non-applicant/State.

CORAM : **URMILA JOSHI PHALKE, J.**

DATE : **26/03/2026**

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned counsel for the applicant and learned APP for non-applicant / State.
3. By this application, the applicant is seeking quashing and setting aside the impugned order dated

07/01/2026 passed by the learned Additional Sessions Judge, Nagpur, in Criminal M.A. No. 894/2018, and also seeking directions to the respondent to produce the documents as highlighted in the scheduled of the documents annexed to the said application.

4. As per the contention of the applicant, he is working as an Assistant Loco Pilot with South East Central Railway (SECR) and was issued a promotion-cum-transfer order transferring him from Nagpur to Gondia.

5. Being aggrieved with the same, he filed Original Application No. 170/2016 before the Central Administrative Tribunal, Mumbai Bench, Nagpur Camp, challenging the said promotion-cum-transfer order. On 21/07/2016, the learned Tribunal directed the General Manager, SECR, to consider the petitioner's representation and pass a reasoned order. On 14/10/2016, a letter purportedly issued under the signature of the General Manager, SECR, rejecting the petitioner's representation was produced before the Tribunal, on the basis of which the original application was disposed of.

6. On 7/1/2017, the petitioner addressed a written communication to the concerned authorities seeking confirmation of the authenticity of the letter dated 14/10/2016, but no response was received by him. Therefore, he filed RTI applications before the office of the General Manager, SECR, on 4/02/2017 and 24/3/2017 seeking information regarding the issuance of alleged letter dated

14/10/2016. The offence of the General Manager, SECR, Bilaspur categorically replied under the RTI that no letter dated 14/10/2016 was issued, confirming the document was forged.

6.1. Thereafter, another RTI Application was filed before the Divisional Office, Bilaspur, on 5/03/2017 and 08/3/2017 seeking confirmation of records relating to the said date. The Divisional Office replied stating that no such record or correspondence existed. Therefore, the petitioner lodged the complaint before Police Station Kanha, Nagpur, seeking registration of an FIR for the offence under Sections 420, 467 and 468 of the IPC, as well as under the provisions of the Prevention of Atrocities Act.

6.2. However, the investigating officer has filed a B-summary report before the learned trial Court after the due investigation. The present petitioner has filed a protest petition before the learned trial Court. The trial Court rejected the B-summary and directed further investigation, including collection of specimen handwriting, seizure of disputed document, and forensic examination.

7. The accused challenged the said order by filing the Criminal Revision Application No. 113/2019 before this Court. This Court partly allowed the and remanded the matter to the learned trial Court. Thereafter, the Investigating Officer forwarded specimen signatures and disputed documents to the State Examiner of documents for opinion.

The Assistant State Examiner of documents returned the papers citing deficiencies and inability to give a conclusive opinion.

7.1. However, without rectifying the deficiencies pointed out by the expert, the investigating officer filed a closer report. The investigating officer failed to obtain the specimen signature. The handwriting expert issued an opinion despite the earlier deficiencies remaining unrectified. Therefore, the present petitioner filed an application under Section 91 Cr.P.C. seeking production of crucial documents, which was rejected by the trial Court. Thereafter, the Writ Petition No. 766/2025 was filed against the order dated 22/7/2025, which was withdrawn with liberty. Thereafter again, the petitioner filed a fresh detailed application under Section 91 of Code of Criminal Procedure, 1973 read with Section 15A(4), 15A(5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Rules 7 of Scheduled Caste and Scheduled Tribes, queering the earlier defects.

8. The learned Additional Sessions Judge, Nagpur, rejected the said application by the impugned order, holding that the matter could be decided while considering the protest petition.

9. Heard learned counsel for the applicant submitted that despite a specific opinion by the expert that specimen signatures are required, and despite communication issued to the P.I., Nagpur Rural Police Station, no such specimen

signatures were obtained without assigning any reason. The present petitioner has alleged forgery, which is apparent from the communication issued by the SECR. The said communication (at page 39) specifically states that the letter dated 14/10/2016 was not issued by SECR.

10. He further submitted that these documents are essential to come to the conclusion that whether there is a prima-facie case against the accused persons against whom the allegation is made by the present applicant as to the forgery.

11. He submitted that in view of Section 91 of Cr.PC., whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order. Sub-Section (2) states that any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

12. Thus, he submitted that entire case of the present

applicants revolves around the specimen handwriting, which is the necessary documents for the just decision of the case. Despite there is a specific requirement by the Government experts that is not connected by the Investigating officer and thereby the Investigating officer has also not explained why that compliance is not there, and therefore, production of document before the Court are required to come to the conclusion even considering the B-summary report also and therefore, the directions are required.

13. Learned APP strongly opposed the said contention and submitted that the opinion is already given by the expert and thereafter, the B-summary report was filed. If a case is made out while contesting the protest petition, the trial Court may consider the same.

14. After hearing both sides and on perusal of the entire record, there is no dispute as to the fact that the present applicant lodged an FIR contending that the order which was communicated to him was not a genuine order and it was a forged order. This is substantiated by the communication issued by the General Manager, SECR. Thus, the allegations levelled by the present applicant while lodging the FIR has sum and substance. There is no explanation from the investigating officer as to why, despite communication from the Government expert regarding the specimen signatures in a particular format regarding the genuineness of handwriting but the same are not collected by the

investigating officer.

15. The ultimate object behind Section 91 is to confer a power in the hands of the Court in case of pending investigation, inquiry, trial or other proceedings to produce document or other thing which the Court deems relevant and cogent to the conduction of investigation, inquiry, trial or other proceedings and which are not already on record. Thus, Section 91 is a supplementary power available to the Court to do complete justice in investigation/inquiry/trial or other proceedings as the case may be and to prevent failure of justice.

16. In view of the above, the application deserves to be allowed. However, the learned Sessions Judge has not considered the same and rejected the application by only observing that this aspect can be considered while considering the protest petition of the present applicant, and therefore the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal Application is **allowed**.
- b] The order passed by the Additional Sessions Judge, Nagpur in Criminal M.A. No. 894 of 2018, is hereby quashed and set aside.
- c] The investigating officer is directed to produce the

documents in regard to the seizure of panchanama, travel records, video recording of the proceedings, and copies of the prior notices issued to the applicant under Section 15A(4), 15A(5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

17. Pending application(s), if any, stands **disposed of**.

(URMILA JOSHI PHALKE, J.)