

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1612 OF 2023
IN
CRIMINAL APPEAL NO. 1275 OF 2007**

Manubhai Hargovandas Patel	...Applicant
vs.	
M/s. Lalit Constructions and Ors.	...Respondents

Mr. M. H. Patel - Applicant in-person present in the Court

Ms. Saili Dhuru h/f Mr. Kuldeep S. Patil - Advocate for the Respondent

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 29th JANUARY, 2024

P. C. :-

1. It is true that when this Court was dealing with this assignment, this Court has heard the Appellant-Complainant in part. It is true that during the earlier submissions, the Appellant has shown willingness to file an interim application for taking action for perjury. It was recorded in para no. 5 of the Order dated 17/04/2023. He was also granted liberty to file said application in physical form, as there was some difficulty in e-filing.

2. Today, I have heard him in Order to justify taking of an

action by this Court by directing the some officers to lodge the complaint for perjury. He relied upon the observations in case of M/s Bandekar Brothers Private Limited and Anr. Vs. Prasad Vassudev Keni, etc. in Criminal Appeal Nos. 546-550 of 2017. He has filed extract of that judgment on page no. 7, para no. 7. He also has an objection to grant right of audience to Respondent on the basis of the observations in case of The State of Punjab Vs. Jasbir Singh in Criminal Appeal No. 335 of 2020. He has invited my attention to the following documents:-

- a) Copy of the letter dated 16/12/2002 addressed by Lalit Constructions to Assistant Commissioner of Income Tax- Range 24(2), BKC, Mumbai at 'Exh. A'.
- b) Summary of the transaction, at Exh. B, page no. 35 prepared by the Applicant for ready reference. It contains various amounts repaid by the Applicant to Respondents. They are as follows :-
 - (i) Rs. 7,50,000/-
 - (ii) Rs. 10,00,000/-
 - (iii) Rs. 22,75,000/-
 - (iv) Rs. 4,70,000/-
 - (v) Rs. 25,00,000/-
 - (vi) Rs. 10,00,000/-

3. According to him, the forged documents were produced by the Respondents before the Court of the Metropolitan Magistrate. He invited my attention to the following documents:-

a) Page no. 204 - copy of the work order issued by the Applicant to M/s Lalit Constructions. While pointing out this document, query is put to the Applicant why there is an endorsement as 'Exh. D-14'. He submitted that the original document is filed before the Civil Court Panvel and City Civil Court by the Respondents and its certified copy is filed by the Respondents before the Court of the Metropolitan Magistrate.

Apart from this there are few more documents filed in similar manner and according to the Applicant, all are forged.

b) He also invited my attention to one affidavit affirmed by one Narayan Trivedi-the Defendant No. 2 in the Summary Suit Panvel.

4. When asked to the Applicant is there any list of the documents filed by the Respondents before the Court of the Metropolitan Magistrate, he sought time to go through the record.

5. In view of the same, following options are available:-

- a) The Applicant can point out the list of the documents accompanying all these alleged forged documents.
- b) Learned Advocate for the Respondents to take instructions as to whether it is acceptable to them that they have produced all these documents before the Court of Metropolitan Magistrate.

6. Matter be kept on **12th February, 2024** for further hearing.

[S. M. MODAK, J.]