

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1275 OF 2007

Manubhai Hargovandas Patel

...Appellant

Versus

M/s. Lalit Consturctions & Ors.

...Respondents

Mr. **M.H. Patel**, Appellant in-person.

Ms. Sushmita Sarkar i/by Mr. Kuldeep S. Patil for Respondent Nos.1 to 4.

Mr. H. J. Dedhia, APP for Respondent No.5-State.

CORAM : S. M. MODAK, J.

DATE : 17th APRIL, 2023

P.C.

1. During continuation of earlier argument on last date, the Appellant read over evidence of two witnesses examined by him, they are as follows:-

(i). Sopan Ramkrishna Jadhav,

(ii). Shantikumar Baburao Patil,

2. Both are from Maharashtra Jeewan Pradhikaran. He also brought to my notice, the bills produced on Page Nos.199 to 203 collectively marked as D-13.

3. According to him, these bills are bogus bills i.e., to say never issued to authorized representative belonging to the Appellant and secondly, the work described in these bills were not at all carried out. He submitted that there is an acknowledgment of one-Upadhyay on those bills. Earlier he was his employee, but he committed theft of pipeline and FIR was registered against him in Nagothane Police Station, Taluka Roha, District Raigad. Even it is submitted that theft was committed when Appellant was behind bar and subsequently, he was acquitted.

4. A query is put to him, whether these documents are proved. He explained that they are produced by the Respondents as per the list on Page Nos.78 to 80. I have read it, the Petitioner has objected to production and not admitted to those documents. It needs to be seen how and in what manner, these documents are exhibited. Let both parties address this Court.

5. During midst of argument, he submitted that he wants this Court to take an action for perjury committed by Respondent Nos.1 to 4 by producing bogus bills before the trial court. He tendered an application consisting of 31 pages making that request. When it is told to give copy to Respondent-Accused, he submitted that as per the

Judgment delivered by the Hon'ble Supreme Court in case of **State of Punjab Vs. Jasbir Singh**, in Criminal Appeal No.335 of 2020, accused has no locus-standi.

6. He submitted that let this application be heard first prior to hearing of the Appeal and hearing of the Appeal may be postponed.

7. He has pointed out some difficulty of e-filing faced by him and he submitted that even he has met concerned Registrar. Even he submitted that number of Petitioners-in-person are facing with the same difficulty.

8. Be that it may, considering the facts of the case, this Court permit the Appellant to furnish hard copy of this ***Application***, office is directed to accept it.

9. Matter be kept on **28th April 2023**.

10. On next date, the Court will hear the Respondents on the limited issue, that is, to say, whether the Respondents have got locus-standi or not.

[S. M. MODAK, J.]