



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

CRIMINAL APPLICATION (APL) NO. 558 OF 2024

Chandrakant Gulabrao Sonole

Vs.

Vinod S/o. Sadharam Sharma

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M. K. Mishra, Advocate for applicant.

CORAM :- M. W. CHANDWANI, J.

DATED :- 03.04.2024

Heard.

2. The applicant challenges the order dated 11.03.2024, passed below Exh.17 by the learned Additional Chief Judicial Magistrate (ACJM), Nagpur thereby allowing the complainant to file fresh evidence by contending that custody of the document, i.e. cancellation of the agreement dated 28.12.2021, is with the applicant, is under challenge in this application.

3. Needless to mention that earlier, the non-applicant has been denied permission to lead secondary evidence on the very same ground i.e. the document in question is with custody of the applicant, which has been denied by the applicant. Even the application, filed by the non-applicant, for directions to the applicant to produce the document has been rejected since, the applicant denied the custody of the said document.

4. Be that as it may, the non-applicant, by way of fresh evidence, wants to bring on record the fact that the document in question is in the custody of the applicant, which came to be allowed by the learned ACJM. No prejudice will be caused to the applicant by permitting the non-applicant to file fresh evidence. It amounts to only allowing the non-applicant to be deposed in this regard, and then the applicant will have opportunity to cross-examine the non-applicant and thereafter, the learned ACJM will appreciate the evidence in context of the facts on record.

5. Thus, the case in hand is not a case where the process of law is abused therefore, no case is made out to entertain the application under Section 482 of the Code of Criminal Procedure, 1973.

6. Accordingly, the application is dismissed.

(M. W. CHANDWANI, J.)