

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

CRIMINAL WRIT PETITION NO.5001 OF 2024

**SATISH
RAMCHANDRA
SANGAR**

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SATISH RAMCHANDRA
SANGAR
Date: 2025.08.05
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Sanjay Rajaram Raut

Age : 60 Years, Occupation : Editor–Dainik Saamna,

Residing at : Maitry Friend Colony,

Bhandhup East, Mumbai – 400042.

...Petitioner

Versus

1. **Dadaji Dagdu Bhuse**

Age : 62 Years, Occupation : Agriculture/Trade,

Guardian Minister Nashik District & Minister

of Public Works, Residing at : Shiva Vyankatesh

Nagar, Navavasahat, Saygaon, Taluka : Malegaon,

Nashik.

2. **The State of Maharashtra**

...Respondents

Mr.Yashodeep Deshmukh i/b.	Advocates for Petitioner.
Ms.Vaidehi Pradeep and	
Mr.Pratham Gawali:-	
Mr.H.J.Dedhia:-	APP for Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATE : 1st AUGUST 2025

P. C. :-

1. Heard learned Advocate for the Petitioner/Accused and Learned APP.

2. There is a private complaint filed before the Court of Additional Chief Metropolitan Magistrate–Malegaon bearing S.C.C. No.1943 of

2023 for the offences under Sections 499, 500, 501 of the Indian Penal Code, 1860 (“IPC”). It was filed by the present Respondent No.1. Though copy of the order is not annexed, it is a fact that the present Petitioner has filed Criminal Revision Application No.16 of 2024 challenging the order of issuance of process before the Court of Additional Sessions Judge – Malegaon. Copy of that Revision is also not annexed to the Petition.

Averments in the Defamation Complaint

3. It will be material to consider what are the averments in the private complaint filed for defamation. The averments are as follows:-

(A) There was a news item in the edition of ‘*Dainik Saamna*’ dated 22nd June 2023 under the caption:-

“मंत्री दादा भुसेकडून 178 कोटींची फसवणूक”
 “संजय राऊत यांची ईडी कडे तक्रार”
 “आता कारवाईची प्रतिक्षा”

According to the Complainant, this news item was published in order to defame the Complainant who is a Minister and to malign his reputation in the general public.

(B) The complainant is elected Member of Maharashtra Legislative Assembly from Malegaon. He got elected four times and with thumping majority. At present he is minister having charge of Public

Works Department.

(C) The accused is Member of Parliament from Rajyasabha and he is executive editor of the newspaper '*Dainik Saamna*'.

4. During the hearing of that Revision, the present Petitioner had filed an Application for production of certain documents. That Application is on Page No.50. According to the Petitioner, he intends to produce a copy of **Company Petition No.4408 of 2018** filed by one Dr.Advay Hiray Patil. The factual aspects are:-

- (a) This was filed against one Girna Mosam Sugar Agro & Allied Industries Ltd and Another.
- (b) The present Complainant is the Respondent No.2 in that Petition being a Director of that Company.
- (c) The prayer in that Petition is '*for issuing direction to the Registrar of Companies and also to the Regional Director– Western Region to investigate into the affairs of the said Company.*

5. The Revisional Court after hearing both the sides was pleased to reject the Application filed for production of the documents. The order is on Page No.13.

Findings by the Revisional Court

6. Mr.Deshmukh has invited my attention to the findings in Paragraph No.4. It is as follows:-

“In revision proceedings under Section 397 of the Code of Criminal Procedure, the accused can produce new document, but only in exception circumstances. The general rule is that new evidence or document cannot be introduced in revision proceedings, as the revisional Court’s primary function is to review the legality, propriety and correctness of the order passed by the lower Court, based on the record already available.”

7. According to Mr.Deshmukh, while making that observation, *the learned Judge has laid down a general proposition of law.* However, while giving reasoning in further Para Nos.5, 6 and 7, the learned Judge applied the test of ‘*relevancy*’ and **refused production of the documents.** According to him, these reasonings are not correct because the Petitioner wants to produce a copy of the Company Petition for the reason that the news in newspaper is on the basis of averments in the Company Petition. So his submission is truly speaking documents are very much relevant. The findings are as follows:-

“[5] The Court can exercise discretion and consider factors like the stage of the proceedings, the importance of the document, and the potential impact on the case’ outcome. If the Court allows production of new documents, they will be scrutinized carefully to ensure that they do not unfairly prejudice the other party.”

[6] *It is essential to note that the revisional courts' primary focus is on reviewing the existing record and not re-trying the case or considering new evidence. If the accused wants to introduce new documents, he should be prepared to justify their production and demonstrate their significance to the case.*

[7] *If the above parameters are applied to the documents sought to be produced on record, it will be revealed that they are not related to the dispute in hand and certainly they have no potential impact on the outcome of this case. Not allowing production of the said documents, would not cause any prejudice to any of the parties. So also the said documents in any way, would not be helpful to decide the dispute in hand.*

8. When these findings are carefully perused, it is clear the Revisional Court has rejected the prayer on three grounds. **They are:**--

(a) New documents cannot be produced unless its production is justified and its significance is demonstrated.

(b) The document is not related to the dispute in hand and they have no potential impact on the outcome of the case.

(c) If the production is not allowed, it will not cause prejudice to any of the parties.

9. The petitioner is more perturbed by the findings relating to relevancy. According to Mr.Deshmukh, the news article was published on the basis of averments in the Company Petition itself and in fact

such news reporting is in public interest and will not amount to defamation. That is why he has challenged the reasoning given by the Revisional Court about the “*relevancy of the documents*”. According to him, the Petitioner-Accused ought to have been granted an opportunity to substantiate his grounds in the Revision by producing a copy of that Company Petition. According to him, by refusing permission, the Revisional Court denied an opportunity to substantiate his grounds taken in Revision Petition.

Exceptions to Defamation

10. He has submitted that there are certain Exceptions to Section 499 of IPC and he invited my attention to Exception Nos. First, Second, Third and Fourth. The heading of those Exceptions is as follows:-

“First Exception – Imputation of truth which public good requires to be made or published.– ...

Second Exception –Public conduct of public servants.– ...

Third Exception–Conduct of any person touching any public question. – ...

Fourth Exception–Publication of reports of proceedings of Courts.–...”

11. **When any document is produced**, there are two aspects relevancy and stage of production. A particular document may be relevant but

still it cannot be considered looking at the stage of production and scope of inquiry contemplated in that proceedings. **I am inclined to remand the matter only for the reason**, the Learned Additional Session Judge while refusing the production on the ground of relevancy and prejudice factor has not dealt with nature of document, has not referred it and not given how they cannot be considered at revision stage.

12. The Respondent No.1 is duly served. There is a noting in the farad-sheet dated 20th June 2025. However no one has appeared. In view of urgency, today's circulation is granted on the basis of *praecipe* moved on 30th July 2025. The Respondent No.1 is served through Speed Post of today's circulation. The Affidavit of service is taken on record. Still there is no appearance on behalf of the Respondent No.1. I have heard this matter on urgent basis because the hearing of the Revision is kept on 4th August 2025. The copy of the roznama is annexed to the *praecipe*. It is true the learned Revisional Court observed thus:-

“Both the parties are absent. Their Advocate present. Parties are directed to file order of the High Court regarding matters is stayed if any. Case is adjourned for Arguments.”

13. Normally both the parties need to be heard prior to passing the

order on merits. In this case, as said above, the Respondent No.1 has not appeared. Secondly, I am not allowing the Revision but only remanding it to the Revisional Court for fresh hearing. It is made clear, this Court has never observed Revisional Court ought to have allowed production. In that sense, the rights of Respondent/Complainant are not adversely affected. Complainant is having full right to oppose the prayer on all the grounds. That is why in view of these set of facts, I have heard this matter. Let the learned Revisional Court to hear both the parties in respect of 'relevancy of documents' and 'prejudice' considering the scope of revision proceedings.

14. In view of that, following order is passed:-

ORDER

- (i) **The Revision is partly allowed.**
- (ii) The order dated 6th August 2024 passed by the Court of Additional Sessions Judge–Malegaon in Criminal Revision Application No.16 of 2024 **is set aside.**
- (iii) The matter is remanded back to the concerned Court for fresh hearing on the Application for 'production of documents'.
- (iv) The Revisional Court to decide the Revision as per the merits by considering the above observations.

15. In view of the above terms, **the Writ Petition is disposed of.**

[S. M. MODAK, J.]