

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 267 OF 2025

Chandrakant @ Ritesh Bhaiyyaji Rakhunde ...Petitioner
Versus
The State Of Maharashtra And Anr ...Respondents

Mr. Vishal Shukla, i/b Devmani Shukla, for the Petitioner.
Mr. Nikhil Hire, a/w Nagesh Khedkar, for Respondent No.2.
Smt. R. S. Tendulkar, APP for the State.

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CORAM: N. J. JAMADAR, J.
DATED: 9th OCTOBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 22nd January, 2025, whereby the learned Magistrate rejected an application preferred by the petitioner – accused to set aside the “evidence closed” order passed against the accused.
3. On 4th December, 2024, the learned Magistrate had passed “defence evidence closed” order as the petitioner – accused had sought adjournment to lead evidence in his defence. The learned Magistrate was of the view that, the accused was not interested in adducing the evidence and was adopting dilatory tactics.

4. The petitioner is facing prosecution for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. It is evident that the material on record indicates that, there were lapses on the part of the petitioner and adjournments were sought for adducing evidence. Nonetheless, it would be expedient in the interest of justice to provide an effective opportunity to the petitioner – accused to defend himself. Therefore, this Court is persuaded to provide an opportunity to the accused to adduce evidence in his defence, subject to certain conditions so that the trial in the complaint is not retarded.

5. The Court is informed that, the Complaint CC No.4193 of 2013 is scheduled to be listed before the learned Magistrate on 10th October, 2025.

6. The petition stands allowed.

7. The impugned order stands quashed and set aside.

8. The order dated 4th December, 2024 of closing the evidence of the accused also stands quashed and set aside.

9. The petitioner – accused shall appear before the learned Magistrate on 10th October, 2025 and adduce his evidence.

10. The petitioner shall not seek any adjournment for adducing the evidence.

11. The petition stands disposed.

12. The learned Magistrate is requested to make an endeavour to hear and decide the complaint as expeditiously as possible.

[N. J. JAMADAR, J.]