IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST ORDER PASSED BY SUBORDINATE COURT) NO. 2945 of 2026

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RAVI NAIR
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR MADHAV KHURANA SENIOR COUNSEL WITH MR ABHIK CHIMNI WITH MR RONITH JOY(9560) for the Applicant(s) No. 1
MR ROHAN RAVAL APP for the Respondent(s) No. 1
MR MITESH AMIN, SENIOR COUNSEL WITH MR BADRISH RAJU WITH MR DHANESH PATEL, Advocate for the Respondent No.2

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CORAM:**HONOURABLE MR. JUSTICE R. T. VACHHANI**
Date : 02/11/2026
ORAL ORDER

By way of this revision application under Section 391 of the Code of Criminal Procedure, 1973 (for short the Cr.PC) read with Section 432 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (for short BNSS), the petitioner has sought to challenge the order passed below Exhibit-11 in Criminal Appeal No.61 of 2026 by the learned Sessions Judge, Gandhinagar dated 22/07/2026 rejecting the application seeking to produce the additional evidence.

2. Brief facts leading to the filing of the present revision application are that a private complaint came to be lodged under the provisions of Section 190(1)(a) of the Cr.PC and as per the allegations of the complainant that the petitioner is active on Twitter Handle and from October, 2020 to July, 2021 the petitioner had published a series of Twits which was scandalous, false, misleading, derogatory and defamatory in nature. It is further alleged that the petitioner also published the objectionable articles on www.adaniwatch.org which had caused huge

damage to the reputation of the company and in consideration thereof, the material has been produced.

2.1 After the complaint came to be lodged, the learned Trial Court has recorded the evidence led before the Court and has held the petitioner guilty under Section 499 of the Indian Penal Code for the offence punishable under Section 500 of the IPC and sentenced him to undergo SI for one year and to pay a fine of Rs.5,000/- under Section 255(2) of the Cr.PC.

2.2 The said order of conviction and sentence has been assailed before the learned first appellate Court where the Notice came to be issued. Meanwhile, on 26/05/2026 the petitioner – org. accused has preferred the application below Exhibit-11 seeking to produce the additional evidence which came to be rejected by an order dated 22/07/2026.

2.3 Under the aforesaid circumstances, the present revision application has been filed.

3.1 Learned Senior Counsel Mr. Madhav Khurana with Mr Abhik Chimni with Mr Ronith Joy, learned Advocates appearing for the petitioner has contended that the only links of documents vide Exhibit-46 to 60 were produced. It is the case of the petitioner that only after opening the links, screenshots/printouts of such documents are placed before the learned first appellate Court. It is further the case of the petitioner that the complainant has not produced the contents of the documents and disputed articles and without considering the source of the contents of the disputed

material, no one can arrive at the plausible conclusion that it is a fake and objectionable material.

3.2 By placing reliance upon the decision of the Hon'ble Apex Court in the case of ***Asim @ Munmun @ Asif Abdulkarim Solanki v/s. State of Gujarat reported in 2020 SCC Online SC 1098***, it is prayed that for considering the actual articles/material published on the website, its printouts may be permitted to be produced as additional evidence and therefore it is prayed that the application filed under Section 391 may be heard without waiting for the appeal to be finally heard and further prayed to allow the application filed below Exhibit-11.

3.3 Learned Senior Counsel Mr.Khurana with Mr.Roy, learned Advocate for the petitioner has also invited the attention of this Court to the provisions of Section 3 of the Evidence Act and submitted that considering the said provisions the documents sought to be produced may be appreciated.

3.4 By making the aforesaid submissions, learned Senior Counsel Mr. Madhav Khurana with Mr Abhik Chimni with Mr Ronith Joy, learned Advocates appearing for the petitioner would submit to allow the present revision application and to quash and set aside the order passed by the learned first appellate Court.

4. *Per contra*, learned Senior Counsel Mr.Mitesh Amin appearing with Mr.Badrish Raju with Mr.Patel, learned Advocate appearing for the respondent No.2 while opposing this application, on behalf of

respondents have contended that the said documents were produced at a belated stage. Not only that, the petitioner had an ample opportunity before the learned Magisterial Court while examining and cross-examining the prosecution witness, as also at the time of evaluation of the documentary evidence; however the petitioner as claimed herein despite being in a position of the documents and knwoledge of existence of the document in question has failed to make a reference thereof and it is only after the order of conviction has been passed by the learned trial Court and subsequently assailed before the learned first Appellate Court, the petitioner sought to challenge the order refusing the application seeking production of additional documents.

4.1 By making the above submissions, learned Senior Counsel Mr.Amin appearing with Mr.Raju submitted to dismiss the present application.

5. Learned APP Mr.Rohan Raval appearing for the respondent – State would submit to pass necessary orders in the facts and circumstances of the case.

6. Having heard the learned Counsels appearing for the respective parties, so also considering the material placed before this Court, the entire thrust of the matter pertains to the request seeking to permit the petitioner to produce the additional documents. To meet with the aforesaid issue, the relevant provision of Section 391 of the Code of Criminal Procedure is required to be reproduced herein below.

"391. Appellate Court may take further evidence or direct it to be

taken.

(1) In dealing with any appeal under this Chapter, the Appellate Court, if it thinks additional evidence to be necessary, shall record its reasons and may either take such evidence itself, or direct it to be taken by a Magistrate, or when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

(2)When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

(3)The accused or his pleader shall have the right to be present when the additional evidence is taken.

(4)The taking of evidence under this section shall be subject to the provisions of Chapter XXIII, as if it were an inquiry."

7. Thus, the aforesaid provision would make it explicitly clear that to permit the party to produce the additional evidence on being satisfied with the grounds agitated by the petitioner that despite due diligence and honest efforts, the petitioner could not produce the documents in question and those are the documents which touches to the root of the matter and in absence thereof, the petitioner may suffer a huge loss.

8. While keeping in mind the aforesaid provision, it appears as conceded by the learned Senior Counsel for the petitioner, so also reflects from the conclusion arrived by the learned first appellate Court that the documents sought to be produced are already forming the part of the record and therefore, the provision of Section 391 of Cr.PC cannot be

invoked. Therefore, without much delving on the other aspects as contended and raised by the learned Counsel for the petitioner while confining only to the issue of production of additional evidence when can be permitted as discussed in the preceding paragraphs the need would never arise if the documents sought to be produced as an additional evidence which is already forming the part of the record.

9. Though Mr. Khurana, learned Senior Counsel appearing for the petitioner, has laid much emphasis on Section 3 of the Evidence Act, in the considered opinion of this Court, the said provision, which pertains to the appreciation of evidence, has no application to the issue on hand, inasmuch as the issue herein is confined to whether the request for production of additional evidence deserves to be acceded to or not as per Section 391 of Cr.PC. Therefore, the aforesaid submission does not inspire confidence and does not merit acceptance at this stage.

10. For the foregoing reasons, the present revision application is devoid of merits and is accordingly dismissed.

However, it goes without saying that the reasoning assigned by this Court is confined to the issue on hand only and would not come in the way of either of the parties to agitate the issue before the learned first appellate Court which otherwise would be dealt with in accordance with the law; uninfluenced by the dismissal of the present revision application.

(R. T. VACHHANI, J)

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANISHKUMAR JYOTINDRA SOMPURA(HC00189), Principal Pvt. Secretary, at High Court of Gujarat on 03/11/2026 17:41:53