



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**919 CRIMINAL WRIT PETITION NO. 277 OF 2026
AND
920 CRIMINAL WRIT PETITION NO. 278 OF 2026**

**MS PANDE IRON TRADING COMPANY
THROUGH ITS PARTNER PANKAJ TRILOKCHAND PANDE
VERSUS
NASIRUDDIN MOHAMADALI LAKHANI AND ANOTHER**

Advocate for the Petitioner : Mr. A. P. Bhandari h/f Mr. R.P. Totala

Addl. PP for the Respondent No. 2/State : Mr. A. S. Shinde

**CORAM : MEHROZ K. PATHAN, J.
DATE : 1st APRIL 2026**

PER COURT :

1. The Petitioner has filed the petition praying for quashing and setting aside the order dated 31.01.2026 passed by the learned Trial Court below Exhibit-201 in SCC No. 3101/2014, whereby the Court allowed the application filed by the accused under Section 294 Cr.P.C. seeking permission to produce certain documents and to read them in evidence.

2. The learned Counsel for the Petitioner submits that the evidence of the accused was already closed by an order passed below Exhibit-1. The said order was challenged by the accused before the Sessions Court, which permitted the accused to lead

evidence of witnesses. However, no further documents were produced on record for a considerable period of time. Now, when the witnesses' evidence as per the directions of the Sessions Court is already over, the present application has been filed. The accused cannot be permitted to adduce evidence beyond what was permitted by the learned Sessions Court. Moreover, the genuineness of the documents is doubtful and they appear to be forged. The said documents cannot be treated as public documents. They have been produced at a belated stage without any satisfactory explanation for not producing them earlier. The application was wrongly allowed by the learned Trial Court, and the impugned order is therefore liable to be quashed and set aside.

3. I have gone through the order dated 31.01.2026 passed by the learned JMFC, Court No.1, Aurangabad. I have also examined the Revisional Order dated 04.11.2025 passed by the Adhoc Additional Sessions Judge-3, Aurangabad, whereby the Petitioner was permitted to lead evidence and examine witnesses in defense. I have further considered the application filed under Section 294 Cr.P.C. by the Applicant. A perusal of the aforesaid record shows that the present trial has been expedited by the orders of the High Court. The criminal case arises out of a complaint filed under Section 138 of the Negotiable Instruments Act. The record indicates that the accused have consistently maintained from the inception that no transaction, as alleged in the complaint under Section 138 of the N.I. Act, ever took place. While there exists a presumption under Section 139 of the N.I.

Act against the accused regarding the transaction, the accused is entitled to rebut such presumption. It is in exercise of this right that the accused appears to have sought information from the Deputy Regional Transport Office, Jalna, pertaining to the vehicle number allegedly used by the Complainant for delivery of goods. The information furnished by the RTO, Jalna, indicates that the alleged vehicles are not registered with that office. Such material constitutes a defense available to the accused to substantiate the initial stand that no transaction ever took place. The complainant/Petitioner failed to bring on record any evidence to prove the contrary that the vehicles are registered.

4. The learned trial Court has considered the fact that the present case has been expedited by the orders of the High Court and has also noted that no new plea is being taken by the accused. The documents sought to be relied upon by the accused are only intended to substantiate the plea which has existed right from the inception of the complaint filed by the Complainant. Even though there are directions to complete the proceedings within a time-bound period, the application filed under Section 294 Cr.P.C. by the Petitioner to admit documents forming part of the public record cannot be said to have been filed merely with an intention to protract the trial. The application under Section 294 Cr.P.C. was filed to produce documents obtained from the Deputy RTO Office, Jalna, on record. There is a statutory presumption regarding documents of public record that such documents may be admitted without formal proof. Admission of such documents under Section 294 Cr.P.C. would facilitate

expeditious disposal of the case, thereby aiding the Court in complying with the directions of the High Court. The evidentiary value of such documents and its relevance can be evaluated by the trial Court at the time of delivering the judgment. I therefore find no error committed by the learned Trial Court in allowing the application filed under Section 294 Cr.P.C. The Petitioner has thus failed to make out any case for interference by this Court under its extraordinary jurisdiction under Article 226 or supervisory jurisdiction under Article 227 of the Constitution of India. The Writ Petitions are devoid of merit and are accordingly dismissed.

5. Needless to mention that the observations regarding the admissibility of the documents sought to be produced on record through the application under Section 294 Cr.P.C. filed by the Petitioner are prima facie in nature and made only for the purpose of deciding the present Writ Petitions. These observations shall not influence the trial Court while deciding the trial on its merits.

[MEHROZ K. PATHAN]
JUDGE

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