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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 489 OF 2026

VAISHALI ANIL TIKAM

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Date: 2026.10.09 17:58:49 +0530

Purushottam C Mandhana ...Applicant/s
VERSUS
Directorate of Enforcement ...Respondent/s

WITH
CRIMINAL REVISION APPLICATION NO. 490 OF 2026

Biharilal Chhaganlal Mandhana ...Applicant/s
VERSUS
Directorate of Enforcement ...Respondent/s

WITH
CRIMINAL REVISION APPLICATION NO. 491 OF 2026

Manish Biharilal Mandhana ...Applicant/s
VERSUS
Directorate of Enforcement ...Respondent/s

WITH
CRIMINAL REVISION APPLICATION NO. 495 OF 2026

Sangeeta Mandhana ...Applicant/s
VERSUS
Directorate of Enforcement ...Respondent/s

WITH
CRIMINAL REVISION APPLICATION NO. 496 OF 2026

Sudha Mandhana ...Applicant/s
VERSUS
Directorate of Enforcement ...Respondent/s

WITH
CRIMINAL REVISION APPLICATION NO. 497 OF 2026

Priyavrat Mandhana ...Applicant/s
VERSUS
Directorate of Enforcement ...Respondent/s

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WITH
CRIMINAL REVISION APPLICATION NO. 498 OF 2026

Prema Mandhana ...Applicant/s
VERSUS
Directorate of Enforcement ...Respondent/s

Mr. Rajiv Patil, Senior Advocate a/w. Mr. Prashant Relekar a/w, Mr. Vikrant Phatate a/w. Mr. Sujit Lahoti a/w. Altamash Kapadia i/b Sujit Lahoti and Associates, Advocates for the Applicants in Revision Application Nos. 489 of 2026 and 498 of 2026.
Mr. Vikrant Phatate a/w. Sujit Lahoti a/w. Altamash Kapadia i/b Sujit Lahoti & Associates, Advocates for the Applicants in Revision Application Nos. 490 of 2026, 491 of 2026, 495 of 2026 and 497 of 2026.
Mr. Amit Munde, Special Counsel a/w. Ms. Jai Vohra a/w. Shantanu Nakashe a/w. Parth Tari for Respondent-Enforcement Directorate
Mr. M.G. Patil, APP for State in Revision Application Nos. 489 of 2026 & 491 of 2026.
Mr. S. M. Mangaonkar, APP State in Revision Application Nos. 490 of 2026 & 497 of 2026.
Mr. B.B. Kulkarni, APP for State in Revision Application Nos. 495 of 2026 & 498 of 2026.
Mr. S.R. Agarkar, APP for State in Revision Application No. 496 of 2026.

CORAM : SHIVKUMAR DIGE, J.
DATE : 1st OCTOBER 2026.

P.C. :

1. Heard learned counsel for the Applicants and learned Special Counsel for the respondent along with learned APP.

2. The challenge in these applications is to the order dated 20/08/2026 passed in Roznama below Exhibit 82, whereby the Learned Special Judge refused to entertain the discharge application of the applicants on the ground that the same was not filed within the stipulated time. The Applicants also challenges the subsequent order dated

31.08.2026 passed in Roznama below Exhibit 83, whereby the application for exemption from personal appearance came to be rejected and non-bailable warrants came to be issued against the absent-accused Nos. 1 to 7/Applicants.

3. As all the Applicants have challenged the same orders, hence, I am deciding these applications by this common order.

4. It is contention of learned Senior Counsel and learned counsel for the Applicants that as per Section 250 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the stipulated period to file a discharge application is 60 days. In the present cases, not all documents were supplied to the Applicants - Accused by the prosecution and the process of supplying documents is still ongoing. Hence, the Applicants sought to file applications for discharge, but the learned Judge refused to entertain the discharge applications on the ground that those applications were not filed within stipulated time of 60 days. Learned Senior Counsel and learned counsel further submitted that, as the prosecution could not supply all the documents, the applicants could not have filed the applications earlier, unless all the documents were supplied to them. However, this fact has not been considered by the learned Special Judge. Learned Counsel for the Applicants submitted that the Applicants be given an opportunity to tender their discharge applications, as they have good

case, and requested to allow the applications.

5. It is contention of learned Special Counsel that as per Section 250 of BNSS, a specific time limit is given to file discharge application i.e. within 60 days from the date of commitment of the case. The Applicants appeared before the learned Special Court through counsel and proceeded with the trial, but did not file the discharge applications within the stipulated period. Later on, the applicants filed discharge applications only to prolong the trial. The Learned Judge has passed well-reasoned order. No interference is required in it and requested to reject the applications.

6. I have heard both learned counsel. Perused impugned order. The Learned Judge has observed that as per Section 250 of BNSS, discharge applications were not filed within 60 days and, therefore, they cannot be entertained. Section 250 of BNSS reads as under:

> *"**250. Discharge** - (1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under Section 232.*
>
> *(2) If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing."*

This Section provides that an application for discharge may be preferred

within a period of 60 days from the date of commitment of the case under Section 232 of BNSS. Section 232 reads as under:

> "***232. Commitment of case to Court of Session when offence is triable exclusively by it.-*** *When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Sessions, he shall-*
>
> *(a) commit, after complying with the provisions of section 230 or section 231 the case to the Court of Session, and subject to the provisions of this Sanhita relating to bail, remand the accused to custody until such commitment has been made;*
>
> *(b) subject to the provisions of this Sanhita relating to bail, remand the accused to custody during, and until the conclusion of, the trial;*
>
> *(c) send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;*
>
> *(d) notify the Public Prosecutor of the commitment of the case to the Court of Session.*
>
> *Provided that the proceedings under this section shall be completed within a period of ninety days from the date of taking cognizance, and such period may be extended by the Magistrate for a period not exceeding one hundred and eighty days for the reasons to be recorded in writing.*
>
> *Provided further that any application filed before the Magistrate by the accused or the victim or any person*

> *authorized by such person in a case triable by the Court of Session, shall be forwarded to the Court of Session with the committal of the case."*

This Section provides for commitment of the case. In the present case, it appears from the record that on every date, the prosecution had tendered documents before the Learned Special Court and the learned counsel for the Applicants were called upon to file their Say thereon. Thus, it shows that prosecution had not tendered all the documents to the Applicants. It is expected that all the documents on which prosecution is relying must be filed along with chargesheet. If prosecution producing documents after filing chargesheet, Applicants cannot be forced to file discharge applications unless they receive all the documents relied upon by the prosecution. However, these facts are not considered by the Learned Special Judge and proceeded only on the basis that the period of 60 days had expired. It appears from the record that Applicants had filed applications below Exhibit 71 to investigating officer seeking supply of the documents which were in sealed custody, and which, according to the Applicants, had not been relied upon by the prosecution. The said applications were responded by the prosecution, and the learned Special Judge passed an order thereon dated 10/07/2026. The Applicants thereafter tendered their discharge applications on 20/08/2026. Thus, the discharge applications were tendered within 60 days from the order dated 10/07/2026 passed below

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Exhibit 71. Considering these facts, it is necessary to give an opportunity to the Applicants to file discharge applications and I pass following order:

ORDER

(i) Revision Applications are allowed in terms of prayer clause (d).

(ii) The Applicants are permitted to file their discharge applications before the Learned Special Court, if they desire.

(iii) The Learned Special Judge shall consider and decide the said discharge applications on their own merits and in accordance with law.

(iv) Revision Applications are disposed of accordingly.

(SHIVKUMAR DIGE, J.)