

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

**CRIMINAL APPLICATION NO.438 OF 2025**

Dansingh Umraosingh Rawat

...Applicant

**Versus**

G N Rabhadia & Anr.

...Respondents

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*Mr. Bhatt Manojprasad Jayanand, for the Applicant.*

*Ms. S. M. Yadav, APP, for the Respondent-State.*

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**Coram: Madhav J. Jamdar, J.**

**Date: June 16, 2026**

**P.C.:**

1. Heard Mr. Bhatt, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP, for the Respondent-State.
2. The challenge in this Criminal Application filed under Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* is to the Order dated 18th September 2024 passed by the learned Additional Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai, below Exhibit-1 in Criminal Case No.580/SW/2017 as well as the Order dated 27th February 2025 passed by the learned Additional Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai below Application bearing Exhibit-40 in Criminal Case No.580/SW/2017.
3. The impugned Order dated 18th September 2024 reads as under:  
  
*"The case is pending for the defence evidence. The accused has failed to adduce his evidence despite sufficient*

*opportunities. Hence, the defence evidence is closed and case is adjourned for final arguments."*

4. The impugned Order dated 27th February 2025 read as under:

*"The defence evidence was closed by order dated 18/9/2024 below Exh. 1. The reasons mentioned herein is not and supported with the documents. Sufficient opportunities were given to the accused till passing of order dated 18/9/2024. He failed to adduce his evidence. He is not entitled now to get the order dtd. 18/9/24 set aside. Hence, this application is rejected."*

5. It is the submission of Mr. Bhatt, learned Counsel for the Applicant, that the documents which the Applicant intended to produce were in the records of the Income Tax Department and, therefore, some time was required to collect those documents. He submits that, in the interest of justice, the impugned Orders be quashed and set aside and the Applicant be given an opportunity to adduce evidence.

6. Ms. Yadav, learned APP, strongly opposes the Criminal Application. She submits that despite being granted sufficient opportunities, the Applicant failed to lead evidence.

7. However, considering the contention of the Applicant that the documents which he wanted to produce are in the records of the Income Tax Department and that some time was required to collect the same, in the interest of justice, an opportunity needs to be given to the Applicant to lead evidence.

8. Accordingly, the impugned Order dated 18th September 2024 passed by the learned Additional Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai, below Exhibit-1 in Criminal Case No.580/SW/2017 as also the impugned Order dated 27th February 2025 passed by the learned Additional Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai below Exhibit-40 in Criminal Case No.580/SW/2017 are quashed and set aside and the said Application bearing Exhibit-40 filed in CC No.580/SW/2017 is allowed.

9. The Criminal Application is disposed of in above terms with no order as to costs.

**[Madhav J. Jamdar, J.]**