

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 34 OF 2026

Onyx Tradelink Private Limited. ... Petitioner.

V/s.

Shri Sai Consultants & Ors. ... Respondents.

Mr. Santosh Thakur, Advocate for Petitioner.

Mr. Sukanta Karmakar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JANUARY, 2026.

P.C. :

1. By the present Petition filed under Article 227 of the Constitution of India and Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the Petitioner has sought for the following substantive relief :

“(a) that this Hon'ble Court may be pleased to examine the legality, validity and propriety of the impugned order dated 08/10/2025 passed by the Ld. Sessions Judge in Criminal Appeal No.778 of 2025 and may be further pleased to quash and set aside the same, in exercise of tire powers of superintendence vested with this Hon'ble Court under Article 227 of the Constitution

of India, coupled with inherent power vested u/s. 528 of BNSS, 2023 and restore the matter on its original file before 08/10/2025 for final hearing;”

2. Mr. Santosh Thakur, learned Advocate for the Petitioner submits that the case of the Petitioner is that the Respondent Nos. 1 to 3 have played a fraud on the Petitioner and thereby misled the Sessions Court, who was seized with the Criminal Appeal No. 778 of 2025. According to him, the fraud played by the Respondent Nos. 1 to 3 is not only on the Petitioner but also on the Court. He places reliance on paragraph nos. 60 and 61 in the case of *Vishnu Vardhan v. State of U.P.*¹ to submit that fraud vitiates any order and that any order or judgment obtained by playing fraud is a nullity and nonest in the eyes of law. He submits that the Petitioners would make an appropriate application before the Sessions Court to point out the factual basis to indicate that the Respondent Nos. 1 to 3 have played fraud on the Petitioner as well as on the Court. He further states that Criminal Revision Application No. 687 of 2025 filed by the Petitioner is pending before the Sessions Court. He therefore on instructions from the Petitioner crave leaves to withdraw the

1 2025 SCC OnLine SC 1501

present Petition and file appropriate proceedings before the Sessions Court.

3. Mr. Sukanta Karmakar, learned APP for the State does not object to the said request made by Mr. Santosh Thakur and he submits that as the case of Petitioner is of the Respondent Nos. 1 to 3 having played fraud on the Sessions Court, it would be for the Sessions Court to consider the aspect of fraud.

4. In view of the above, leave granted to withdraw the Petition. Petitioner is always at liberty to file proceedings as may be permissible and available to the Petitioner in terms of law. If any such proceedings are filed the same be considered on its own merits and in accordance with law. All the contentions urged in the present Petition are left open.

5. Criminal Writ Petition No. 34 of 2026 is disposed of .

(ASHWIN D. BHOBE, J.)