

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 635 OF 2026**

Sapana Rajesh Hariyani & Anr.

... Petitioners

V/s.

The State of Maharashtra

... Respondent

Dr. Abhinav Chandrachud a/w Mr. Ajay Panicker, Ms. Lavanya Panicker, Mr. Dhairya Sampat i/b Ajay Law Associates, Advocates for Petitioners.

Ms. Pallavi Dabholkar, APP for Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 8th APRIL, 2026

P.C. :

1. Heard Dr. Abhinav Chandrachud, learned Advocate for the Petitioners and Ms. Pallavi Dabholkar, learned APP for the State.

2. This Petition under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assails the Judgment and Order dated 7th January,

2026 (hereafter “impugned order”), passed by the Additional Sessions Judge, Sessions Court, C.R. No. 88, Mazgaon, Greater Mumbai (hereafter ‘Sessions Court’), in Criminal Revision Application No. 1214 of 2023, filed by the Applicants, challenging the order dated 13th June, 2012, passed by the Additional Chief Judicial Magistrate, 47th Court Esplanade, Mumbai (hereafter “Magistrate”), in C.C. No. 496/PW/2007.

3. Dr. Abhinav Chandrachud, learned Advocate for the Petitioners, submits that the Criminal Revision Application No. 1214 of 2023 is dismissed on the basis of the observation set out in paragraph No. 7 of the impugned order. By referring to those observations, he submits that there is no assessment, much less any consideration, of the role or involvement of the Petitioners (Accused Nos. 2 & 3) in the crime. He submits that the impugned order does not indicate that the Sessions Court has considered the case and the arguments advanced by the Petitioners in Criminal Revision Application No. 1214 of 2023, thereby causing grave prejudice to the Petitioners. He therefore submits that the impugned order is illegal and be set aside on this count.

4. Ms. Pallavi Dabholkar, learned APP for the State, was unable to point out in the impugned order that the Sessions Court had considered or addressed the grounds raised by the Petitioners in Criminal Revision Application No. 1214 of 2023.

5. Heard arguments and perused the records with the assistance of the learned Advocates.

6. In Criminal Revision Application No. 1214 of 2023, the Petitioners have assailed the order dated 13th June, 2012, passed by the Magistrate in C.C. No. 496/PW/2007. The impugned order does not indicate any consideration of the case set up by the Petitioners in Criminal Revision Application No. 1214 of 2023. As submitted by Dr. Abhinav Chandrachud, learned Advocate for the Petitioners, the impugned order contains no reasons for rejecting the Petitioners' contentions challenging the order dated 13th June, 2012, passed by the Magistrate in C.C. No. 496/PW/2007.

7. The Hon'ble Supreme Court in the case of **U.P**

Education for All Project Board v. Saroj Maurya¹ has observed as follows:-

4. *We are of the opinion that in the absence of any reasoning in the impugned judgment, the same cannot be sustained. In this regard, we are benefitted by the following observations made by this Court in CCT v. Shukla & Bros. [CCT v. Shukla & Bros., (2010) 4 SCC 785 : (2010) 3 SCC (Civ) 725 : (2010) 2 SCC (Cri) 1201 : (2010) 2 SCC (L&S) 133] The relevant paragraphs of the judgment are extracted hereinbelow: (SCC pp. 800-801, paras 23-27)*

23. *We are not venturing to comment upon the correctness or otherwise of the contentions of law raised before the High Court in the present petition, but it was certainly expected of the High Court to record some kind of reasons for rejecting the revision petition filed by the Department at the very threshold. A litigant has a legitimate expectation of knowing reasons for rejection of his claim/prayer. It is then alone, that a party would be in a position to challenge the order on appropriate grounds. Besides, this would be for the benefit of the higher or the appellate court. As arguments bring things hidden and obscure to the light of reasons, reasoned judgment where the law and factual matrix of the case is discussed, provides lucidity and foundation for conclusions or exercise of judicial discretion by the courts.*

24. *Reason is the very life of law. When the reason of a law once ceases, the law itself generally ceases (Wharton's Law Lexicon). Such is the significance of reasoning in any rule of law. Giving reasons furthers the cause of justice as well as avoids uncertainty. As a matter of fact it helps in the observance of law of precedent. Absence of reasons on the contrary essentially introduces an element of uncertainty, dissatisfaction and give entirely different dimensions to the questions of law raised before the higher/appellate courts. In our view, the court should provide its own grounds and reasons for rejecting claim/prayer*

1 (2024) 12 SCC 609

of a party whether at the very threshold i.e. at admission stage or after regular hearing, howsoever concise they may be.

25. *We would reiterate the principle that when reasons are announced and can be weighed, the public can have assurance that process of correction is in place and working. It is the requirement of law that correction process of judgments should not only appear to be implemented but also seem to have been properly implemented. Reasons for an order would ensure and enhance public confidence and would provide due satisfaction to the consumer of justice under our justice dispensation system. It may not be very correct in law to say, that there is a qualified duty imposed upon the courts to record reasons.*

26. *Our procedural law and the established practice, in fact, imposes unqualified obligation upon the courts to record reasons. There is hardly any statutory provision under the Income Tax Act or under the Constitution itself requiring recording of reasons in the judgments but it is no more res integra and stands unequivocally settled by different judgments of this Court holding that the courts and tribunals are required to pass reasoned judgments/orders. In fact, Order 14 Rule 2 read with Order 20 Rule 1 of the Code of Civil Procedure requires that, the court should record findings on each issue and such findings which obviously should be reasoned would form part of the judgment, which in turn would be the basis for writing a decree of the court.*

27. *By practice adopted in all courts and by virtue of Judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. [Alexander Machinery (Dudley) Ltd. v. Crabtree, 1974 ICR 120 (NIRC)] there are apt observations in this regard to say “failure to give reasons amounts to denial of justice”. Reasons are the real live*

links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove.”

8. Considering the facts of the case at hand, the impugned order warrants interference. Consequently, the impugned order dated 7th January, 2026, passed by the Additional Sessions Judge, Sessions Court, C.R. No. 88, Mazgaon, Greater Mumbai, in Criminal Revision Application No. 1214 of 2023, is set aside. Criminal Revision Application No. 1214 of 2023 is restored to the file of the Additional Sessions Judge, Sessions Court, C.R. No. 88, Mazgaon, Greater Mumbai, for hearing afresh.

9. All the contentions of the parties are left open for consideration in the Criminal Revision Application No. 1214 of 2023.

10. At the request of Dr. Abhinav Chandrachud, learned Advocate for the Petitioners and Ms. Pallavi Dabholkar, learned

APP, Criminal Revision Application No. 1214 of 2023 is fixed for the appearance of the Petitioners before the Additional Sessions Judge, Sessions Court, C.R. No. 88, Mazgaon, Greater Mumbai, on 20th April, 2026, at 11.00 a.m.

11. The Session Court is to take note of the order dated 24th December, 2025, passed by this Court in Criminal Writ Petition No. 4133 of 2015, by which the proceedings before the Additional Judicial Magistrate, 47th Court, Esplanade, Mumbai, are expedited.

12. Writ Petition No. 635 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

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signed by
GAYATRI
RAJENDRA
SHIMPI
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