IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 756 OF 2026

Nitish Bhukhanwala and anr. ...Petitioners

Versus

M/s. SBI Global Factors Ltd. and anr. ...Respondents

AND

CRIMINAL WRIT PETITION NO. 757 OF 2026

M/s. Bhukhanwala Tools Pvt. Ltd. and anr. ...Petitioners

Versus

M/s. SBI Global Factors Ltd. and anr. ...Respondents

AND

CRIMINAL WRIT PETITION NO. 758 OF 2026

Nitish Bhukhanwala and anr. ...Petitioners

Versus

M/s. SBI Global Factors Ltd. and ors. ...Respondents

AND

CRIMINAL WRIT PETITION NO. 759 OF 2026

M/s. Bhukhanwala Tools Pvt. Ltd. and anr. ...Petitioners

Versus

M/s. SBI Global Factors Ltd. and ors. ...Respondents

AND

CRIMINAL WRIT PETITION NO. 760 OF 2026

Nitish Bhukhanwala and anr. ...Petitioners

Versus

M/s. SBI Global Factors Ltd. and ors. ...Respondents

AND

CRIMINAL WRIT PETITION NO. 761 OF 2026

M/s. Bhukhanwala Tools Pvt. Ltd. and anr. ...Petitioners

Versus

M/s. SBI Global Factors Ltd. and ors. ...Respondents

SANTOSH SUBHASH KULKARNI

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Date: 2026.02.23 11:01:30 +0530

Mr. Ram Upadhyay, through VC, a/w Narayan Mishra, i/b Law Competere Consultus, for the Petitioners in all WP.
Mr. Yashpal Thakur, for Respondent No.1 in all WP.
Mr. A. D. Kamkhedkar, APP for the State in WP/756/2026 to 758/2026 and 760/2026 and 761/2026.
Mr. A. R. Metkari, APP for the State in WP/759/2026.

CORAM: N. J. JAMADAR, J.
DATED: 20th FEBRUARY, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.

2. The challenge in these petitions is to the orders dated 30th October, 2025, passed by the learned Magistrate, 58th Court, Bandra, Mumbai, whereby the applications preferred by the petitioners – accused for recall of the complainant for cross-examination, came to be rejected.

3. The record indicates that the petitioners had filed an application for the dismissal of the complaint, which was rejected by the learned Magistrate. The said order was challenged, by the petitioners, before the Court of Session. By a judgment and order dated 30th September, 2025, the learned Sessions Judge dismissed the revision applications. Thereafter the petitioners filed an application for recall of the complainant for cross-examination by setting aside no-cross order dated 25th June, 2025.

4. There might be an element of delay and indolence on the part of the petitioners. However, the petitioners – accused have an invaluable right to cross-examine the witness, to elicit the truth. The cross-examination of the complainant is necessary for a just decision of the case. The test for the exercise of power under Section 311 of the Code of Criminal Procedure is the necessity of the examination of the witness for a just decision of the case. A useful reference in this context can be made to the judgment of the Supreme Court in the case of ***Natasha Singh vs. CBI (State)***[1]***.***

5. The impugned orders, thus, deserve to be quashed and set aside with a view to provide an efficacious opportunity of hearing to the petitioners and advance the cause of substantive justice. At the same time, the concern of the complainant needs to be adequately addressed.

6. The Court is informed that the complaints are now listed before the learned Magistrate on 26th February, 2026.

7. Mr. Upadhyay, the learned Counsel for the petitioners, on instructions, submits that the petitioners will conduct the cross-examination of the complainant on 26th February, 2026.

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1 2013 (5) SCC 741.

8. The petitions, thus, stand allowed in terms of prayer clauses (a) and (b).

9. The impugned order as well as the order dated 25th June, 2025 of "no-cross" stand quashed and set aside.

10. The petitioners – accused shall cross-examine the complainant on 26th February, 2026, without fail.

11. The petitioners – accused shall not seek any adjournment for the cross-examination of the complainant.

12. In the event the cross-examination is required to be deferred beyond 26th February, 2026, the petitioners shall conduct the cross-examination on the adjourned date and shall not seek any adjournment for the purpose of cross-examination.

13. The trial Court is requested to hear and decide the complaints as expeditiously as possible.

[N. J. JAMADAR, J.]