

MHNG010089782026



Presented on : 27.07.2026

Registered on : 30.07.2026

Decided on : 09.09.2026

Duration : YY MM DD
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**IN THE COURT OF DISTRICT JUDGE- 22 AND ADDITIONAL SESSIONS
JUDGE, NAGPUR.**

(Presided over by K. H. Thombre)

Criminal Rev. App. No.149/ 2026

Exh. 5

Sanjay Hariram Agrawal

Age: 58 years, Occ : Business,

R/o : 7, Hari Sava Street, Kadderpore,
Kolkatta.

.....APPELLANT.

:: VERSUS ::

State of Maharashtrathrough PSO Ganeshpeth PS,
Nagpur.

... RESPONDENT.

Application under section 438 of the BNSS.

Shri C. D. Dhanjode	Learned advocate for the appellant.
Shri Ram Anwane	Learned Asstt. Public Prosecutor.

JUDGMENT

(Delivered on 09th September, 2026)

That the present Revision Application is directed against the orders dated 20.04.2026, 06.05.2026 and 19.06.2026 passed by the learned 2nd Additional Chief Judicial Magistrate, Nagpur, whereby the

applications at Exh. Nos. 3801, 3819 and 3832 seeking supply, production and/or inspection of documents, electronic records and other material necessary for the defence of the applicant came to be rejected.

2. That the applicant is Accused No.3 in RCC No.3030147/2002, arising out of alleged offences punishable under Sections 406, 409, 468, 471 and 120-B read with Section 34 of the Indian Penal Code. The prosecution case relates to certain investment transactions between Nagpur District Central Co-operative Bank and Home Trade Ltd., of which the applicant was a Director.

3. That the applicant's trial was separated from the trial of the co-accused pursuant to the proceedings before the Hon'ble High Court. The co-accused were thereafter tried and convicted, whereas the trial of the present applicant continued separately.

4. That after separation of the trial, the applicant specifically sought compliance with the statutory requirement of supply of documents and sought appropriate directions regarding the split-up case and the documents relied upon by the prosecution. The matter was carried in revision and thereafter before the Hon'ble High Court in Criminal Writ Petition No.1009/2024.

5. That by order dated 21.04.2025, the Hon'ble High Court declined the prayer for allotment of a separate case number, but specifically observed that the learned Magistrate was competent to appreciate the concept and effect of a separate trial and, significantly, that the documents exhibited during the earlier trial of the co-accused could not

merely by reason of such exhibition be treated as proved against the present applicant.

6. That notwithstanding the aforesaid position, the applicant's legitimate requests for supply and production of material documents and records required for an effective defence and for meaningful cross-examination of the prosecution witnesses have repeatedly been rejected by the learned Trial Court. By the time the impugned orders were passed, seven prosecution witnesses had already been examined.

7. That the applications at Exh. Nos. 3801, 3819 and 3832 were necessitated by the peculiar circumstances of the present case, particularly because the applicant's trial is a separated trial and substantial material had already been dealt with in the earlier trial of the co-accused. The applicant is therefore entitled to know and have access to the material relied upon by the prosecution and to effectively test such material in cross-examination.

8. That the learned Trial Court has failed to appreciate the distinction between the evidence and documents forming part of the earlier trial and the evidence which is required to be established independently in the applicant's separated trial. The mere fact that certain documents were exhibited or relied upon in the earlier proceedings cannot dispense with the prosecution's obligation to establish the relevant facts and documents in accordance with law in the present trial.

9. That the reasons recorded in the impugned orders are extraneous and do not address the actual grievance raised by the applicant. The learned Trial Court has failed to consider whether the

documents/material sought by the applicant are relevant for testing the prosecution case, for confronting the witnesses already examined, and for enabling the applicant to conduct an effective defence.

10. That denial of access to relevant documents and material, particularly at the stage when prosecution witnesses are being examined, seriously prejudices the applicant's right of effective cross-examination and consequently his right to a fair trial. The supply of relevant material cannot be refused merely on technical or collateral considerations when such material has a bearing upon the prosecution case or the defence of the accused.

11. That the impugned orders are also contrary to the substance and effect of the observations made by the Hon'ble High Court in its order dated 21.04.2025. Once the applicant's trial is required to be conducted separately, the prosecution material cannot be mechanically imported from the earlier trial so as to prejudice the applicant without affording him an effective opportunity to examine, challenge and test such material.

12. That the learned Magistrate has failed to exercise the jurisdiction vested in the Court to ensure that the applicant receives the material necessary for a fair and effective trial. The rejection of the applications, without properly examining the relevance and necessity of the documents/material sought, has resulted in serious prejudice to the applicant.

13. That the impugned orders, therefore, suffer from non-application of mind, failure to appreciate the peculiar circumstances arising from the separated trial, disregard of the earlier directions/observations of

the Hon'ble High Court, and failure to protect the applicant's right to a fair opportunity of defence.

14. That the order dated 11.11.2025 rejecting the applicant's discharge application and the subsequent order dated 26.11.2025 framing charge have already been challenged by the applicant in Criminal Revision Application No.45/2026, which is pending before the Hon'ble High Court. The pendency of the said revision, however, does not deprive the applicant of his right to seek relevant documents and material necessary for conducting the trial effectively and defending himself against the charges.

15. That in the circumstances, the impugned orders dated 20.04.2026, 06.05.2026 and 19.06.2026 are liable to be set aside and the applications at Exh. Nos. 3801, 3819 and 3832 deserve to be allowed and permission be given to the prosecution and state to supply documents as prayed in the applications.

16. Perused the record. Heard Learned advocate for the applicant Mr. C.D. Dhanjode and Learned App Mr. Ram Anwane for the State. Following points arise for determination. Findings thereon is recorded for the reasons to follow:-

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1]	Whether the impugned order suffers from any illegality, infirmity or impropriety ?	No
2]	Whether the impugned order warrants interference by this court ?	No
3]	What order ?	As per final order.

:: REASONS ::**AS TO POINT NO. 1 AND 2 :-**

17. Learned Advocate for the applicant submitted that, as per the documents filed along with the list, the learned APP has supplied certain documents in a pen drive. All the documents are not supplied those documents are necessary for the applicant for effective cross-examination of the prosecution witnesses and for putting forth his defence. In the absence of the said documents, the applicant is unable to effectively cross-examine the witnesses.

18. It is submitted that all the applications came to be rejected on erroneous grounds, despite the specific directions of the Hon'ble High Court that the trial of the present applicant is to be conducted separately and that the exhibits from the earlier trial are not to be treated as proved against the present applicant. The learned Trial Court has observed that the prosecution is ready to supply the documents in a pen drive. However, according to the applicant, despite such observation, no documents have actually been supplied to him, and therefore he is unable to proceed with the cross-examination of the witnesses.

19. Learned Advocate for the applicant further submitted that, though the trial is an old one and is being conducted pursuant to the directions of the Hon'ble High Court, the applicant has been cooperating with the learned Trial Court. After framing of the charge, seven prosecution witnesses have been examined. The applicant is unable to effectively cross-examine the remaining witnesses as the documents sought by him have not been supplied by the prosecution. On these grounds, the learned Advocate for the applicant prayed for setting aside the orders

passed by the learned Trial Court and for issuing directions to the prosecution to supply the documents and material objects relied upon by it during the trial.

20. Learned APP Mr. Ram Anwane submitted that the present Revision Application is not maintainable as it is directed against interlocutory orders. The order relating to supply of documents is procedural in nature and does not finally terminate the proceedings.

21. Learned APP further drew the attention of the Court to an endorsement dated 27.11.2002, wherein there is an endorsement regarding receipt of the copies by the applicant. Again, on 25.08.2003, there is an endorsement that copies of the charge-sheet and the documents were supplied to the applicant.

22. It is submitted that, admittedly, the charge was framed on 15.12.2025 vide Exh. 3759. Thereafter, the plea of the accused came to be recorded, wherein the applicant admitted that he had received all the documents. Subsequently, seven prosecution witnesses were examined. The present application has therefore been filed only with a view to delay the trial, despite the directions issued by the Hon'ble Bombay High Court for expeditious disposal of the matter.

23. The factual aspect regarding receipt of copies by the applicant on three occasions, as submitted by the learned APP, is a matter of record and cannot be disputed. The trial pertains to the year 2002 and, pursuant to the directions of the Hon'ble High Court, the trial of the present applicant was separated from that of the other accused.

24. The contention that the learned Trial Court is continuing to rely upon or proceed on the basis of exhibit numbers already assigned during the trial of the other accused is not the subject matter of the present Revision Application. The grievance raised by the applicant in the present revision is essentially with regard to a direction for supply of the documents sought by him through the applications in question.

25. On consideration of the grievance from the aforesaid perspective, it is apparent from the record that the applicant had received copies of the charge-sheet and the documents on earlier occasions. It is also an admitted position that the charge has been framed against the applicant and that seven prosecution witnesses have already been examined. It is only thereafter that the applicant has raised the present grievance and sought a direction for supply of copies of the documents allegedly relied upon by the prosecution.

26. The stage at which the applicant has raised the present grievance, therefore, requires consideration in the light of the proceedings already recorded in the trial. The record indicates that the applicant had earlier acknowledged receipt of the documents and thereafter participated in the proceedings, including the framing of charge and examination of prosecution witnesses.

27. The applicant has also filed an application before the learned Trial Court seeking supply of the documents in a pen drive. The prosecution has filed a pursis/process indicating its readiness to supply the documents, particularly with a view to ensuring expeditious progress of the trial. Such filing by the prosecution cannot, by itself, establish non-compliance with Section 207 of the Code of Criminal Procedure. At the

same time, the filing of such pursis cannot be construed as sufficient to negate the documentary record showing that the applicant had acknowledged receipt of the documents on earlier occasions.

28. It is true that, in order to ensure a fair trial, compliance with Section 207 of the Code of Criminal Procedure is mandatory. Such compliance is not a mere formality. The underlying object is to enable the accused to know the allegations and the material relied upon by the prosecution and thereby enable him to effectively prepare and conduct his defence.

29. However, in the facts of the present case, the impugned orders are interlocutory in nature. The applicant himself has acknowledged receipt of the relevant documents on earlier occasions and thereafter participated in the proceedings. The charge has been framed and seven prosecution witnesses have already been examined.

30. An interlocutory order is one which does not finally determine or terminate the criminal proceedings. Ordinarily, therefore, such an order does not warrant interference in revisional jurisdiction unless it suffers from patent illegality, perversity or causes manifest prejudice resulting in failure of justice.

31. Having regard to the limited scope of revisional jurisdiction and the facts and circumstances of the present case, the impugned orders passed by the learned Trial Court cannot be said to be perverse or suffering from such illegality as would warrant interference in revision. Accordingly findings are recorded to point Nos. 1 and 2 in the negative. In answer to point No.3 following order is passed -

ORDER

1.	The Criminal Revision Application No.149/2026 is hereby dismissed.
2.	The orders dated 20.04.2026, 06.05.2026 and 19.06.2026 passed by the learned 2nd Additional Chief Judicial Magistrate, Nagpur, below Exh. Nos. 3801, 3819 and 3832, respectively, are hereby confirmed.
3.	Record and proceedings, if any, be returned to the learned Trial Court forthwith.
	Dictated on computer of court and Pronounced in open Court.

KAUSHIK
HEMCHANDRA
THOMBRE

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by KAUSHIK
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Nagpur.
Date : 09.09.2026

(K.H.Thombre)
District Judge-22 &
Addl. Sessions Judge,
Nagpur

CERTIFICATE

I affirm that contents of this P.D.F. file of Judgment are word to word, as per original Judgment.

Name of Stenographer : Mrs. B. P. Chinchalkar
(Grade-I)

CERTIFICATE

I affirm that contents of this P.D.F. file of Judgment are word to word, as per original Judgment.

Name of Stenographer : Mrs. B. P. Chinchalkar (Grade-I)