

MHMM180039812019

Summons Case No.5800512/SS/2019
PRIYA NITIN NAIR Vs. ROHIT RAMESH
SHETTY



IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS),
58TH COURT, BANDRA, MUMBAI
ORDER BELOW APPLICATION EXH.33

This is an application filed under section 91 of Code of Criminal Procedure, calling upon the complainant to produce certain documents such as Income Tax Returns, Bank Statement, PAN Card, Adhar Card etc.

2. Complainant objected the application vide detailed reply Exh.34.
3. Heard both sides.
4. Already complainant has examined CW-01 and filed evidence affidavit of CW-02. This application is moved before conducting cross examination of CW-02. So far as invoking provision under section 91 of Code of Criminal Procedure, even if do not contemplates express bar of the particular stage of proceeding, invoking powers by the court is expected only when such evidence appears to be necessary for the just decision. The initial burden to prove existence of legal liability or the monetary transaction is cast upon the complainant. Accused can very well rebut the presumption either by seeking admissions in cross examination of the complainant and witnesses or by leading evidence.
5. The documents called for by the accused in support of his defence can not be ordered to be produced as of right unless the complainant is willing to do so. The complainant has right of silence or to maintain confidentiality of his personal documents. There can not be said to be suppression of any material facts looking into nature of trial.
6. The ground of not showing the transaction in Income Tax Returns and resultant consequences under section 271 (d) of the

Income Tax Act etc. are not subject matter of present trial. Hence, this court do not want to exercise its jurisdiction under section 91 of Code of Criminal Procedure. Invoking powers conferred upon this court under section 91 of Code of Criminal Procedure is not necessary at this stage of trial. Accused has ample opportunity and remedies in law to rebut the presumption under section 139 of The Negotiable Instrument Act. Hence, I pass following order.

ORDER

- 1) Application is rejected.
- 2) Order dictated and pronounced in open court.
- 3) Order be uploaded on Court Web Portal.

Date : 02.03.2026

(M. P. Saraf)
Judicial Magistrate (First Class),
58th Court, Bandra, Mumbai.
J.O.Code: MH01362

CERTIFICATE

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

Name of Stenographer	: Mrs. Aditi Ravikiran Dalvi
Court	: Judicial Magistrate(First Class), 58 th Court, Bandra, Mumbai.
Dictated in open court on	: 02.03.2026
Transcribed and Typed on	: 02.03.2026
Order printed and Signed on	: 02.03.2026
Order Uploaded on	: 02.03.2026