



2026:CGHC:18296-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 209 of 2026**

Smt. Ankita Pandey W/o Shri Ashish Kumar Pandey Aged About 30 Years R/o- Type -3, Ds 203, Kirandul, Police Station Kirandul, Tahsil Bade Bacheli, District- South Bastar Dantewada (C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through - The Secretary, Department Of Law And Legislation, Mahanadi Bhawan, Post Office Mantralaya, P.S. Rakhi, Nawa Raipur, Atal Nagar, District Raipur (C.G.)

2 - The Station House Officer, Mahila Thana, Durg District- Durg (C.G.)

3 - Ashish Kumar Pandey, S/o Vijay Kumar Pandey Aged About 32 Years R/o- Q.No. 15/a, Street 24, Sector-7, Police Station Bhilai Nagar, District-Durg (C.G.)

... Respondent(s)

For Petitioner(s)	: Mr. Vipin Tiwari, Advocate
For State-authority	: Mr. Soumya Rai, Panel Lawyer
For Respondent No. 3	: Mr. Vijay Kumar Sahu, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

22-04-2026

1. Heard Mr. Vipin Tiwari, learned counsel for the petitioner. Also heard Mr. Soumya Rai, learned Panel Lawyer for the State/respondents as well as Mr. Vijay Kumar Sahu, learned counsel for Respondent No. 3.
2. By this petition under Article 226 of the Constitution of India, the petitioner seeks the following relief(s):

“10.1 That, this Hon'ble Court may kindly be pleased to issue the writ of mandamus commanding upon the Learned Additional Sessions Judge (FTC) Dakshin Bastar Dantewada (CG) and direct to the Learned Trial Court to allow the application dated 12.03.2026 (Annexure P-1) filed by the petitioner /complainant and permit her to exhibit the documents, in the interest of Justice.

10.2 That, the Hon'ble Court may kindly be pleased to call for the entire relevant records from the respondents.

10.3 That, Any other order of orders or Direction or Relief though just and fit in the circumstances of the case may also kindly be granted.”

3. The brief facts of the case, as per prosecution are that the petitioner is a resident of District South Bastar Dantewada (C.G.) and she was married to the respondent No. 3 on 18.02.2022 at Raipur and soon after marriage, she was subjected to cruelty and dowry demands by the respondent and his family members, leading her to lodge a complaint on 04.05.2022, pursuant to which Crime No. 81/2022 was registered under Sections 498A/34 IPC and Section 4 of the Dowry Prohibition Act, subsequently, the this Court vide order dated 22.08.2025 quashed the proceedings against other family members while directing continuation of the case against the respondent. During trial, which was later transferred to the Court of Learned Additional Sessions Judge (FTC), Dantewada, the petitioner appeared for her evidence on 11.02.2026 with original documents, however, the learned Trial Court did not permit her to exhibit the same, despite their relevance and availability of photocopies on record. Thereafter, the petitioner moved an application dated 12.03.2026 seeking permission to exhibit the documents, but the learned Trial Court neither allowed nor rejected the said application and instead fixed the matter for further cross-examination on 15.04.2026, which action is alleged to be arbitrary and illegal, compelling the petitioner to approach this Court by way of the present petition.
4. Learned counsel for the petitioner would submits that the action of the learned Trial Court in not permitting the petitioner to exhibit the original documents during her examination, despite the fact that

photocopies of the same are already on record and were seized during investigation, is wholly arbitrary, illegal and contrary to settled principles of law as well as Articles 14 and 16 of the Constitution of India. It is further submitted that the petitioner had duly moved an application dated 12.03.2026 seeking permission to exhibit the said documents, however, the learned Trial Court has neither adjudicated upon the said application nor assigned any reasons for keeping it pending and, in the meantime, has proceeded to fix the matter for further cross-examination, which has caused serious prejudice to the petitioner's case. It is also pertinent that some of the very documents sought to be exhibited have already been relied upon by the respondent in his bail application, yet the learned Trial Court has failed to consider this material aspect. The petitioner, being the complainant, has a valuable right to prove and exhibit relevant documents during her evidence, and denial of such opportunity amounts to denial of fair trial and may result in miscarriage of justice by unduly benefiting the respondent. Hence, the impugned inaction and procedure adopted by the learned Trial Court deserve interference by this Court.

5. Learned counsel for the Respondent No. 1/ State would submit that the learned Trial Court has proceeded strictly in accordance with law and the procedure prescribed under the Code of Criminal Procedure and the Indian Evidence Act, and no illegality or arbitrariness can be attributed to its actions. The petitioner was

duly afforded an opportunity to depose before the Court and her examination as well as cross-examination have been conducted in due course. It is further submitted that mere production of documents does not *ipso facto* entitle a party to have them exhibited, unless they are proved in accordance with law and subject to objections, if any, from the defence. The application dated 12.03.2026 filed by the petitioner is still under consideration before the learned Trial Court, and therefore, no adverse inference can be drawn at this stage. The scheduling of further cross-examination is part of regular trial proceedings and cannot be termed as illegal or arbitrary.

6. Learned counsel for Respondent No. 3 would submit that on the subsequent dates of hearing, the counsel for the petitioner remained absent and failed to appear before the learned trial Court. It is further submitted that, owing to such non-appearance, the matter had to be adjourned on several dates from time to time, and due to the repeated absence of the petitioner's counsel, unnecessary delay has been caused in the proceedings, thereby impeding the expeditious disposal of the matter. Despite adequate opportunities having been granted, the petitioner has failed to diligently prosecute the case.
7. We have heard learned counsel for the parties and perused the material annexed with the petition.

8. Having considered the facts and circumstances of the case, this Court is of the view that the grievance of the petitioner is limited to the non-consideration of her application dated 12.03.2026 seeking permission to exhibit the documents, which is still pending before the learned Trial Court. Without expressing any opinion on the merits of the case or the admissibility of the documents, this Court deems it appropriate to direct the learned Trial Court to consider and decide the said application on the next date of hearing, strictly in accordance with law. Therefore, the learned trial Court is directed to decide the application of the petitioner filed on 12.03.2026 (Annexure-P/1) on the next date fixed before it, after hearing the parties and in accordance with law.
9. It is further directed that the learned Trial Court shall ensure that the proceedings of the trial are conducted expeditiously and no unnecessary adjournment is granted to either of the parties, so as to avoid delay in conclusion of the trial.
10. Accordingly, the present petition stands disposed of with the aforesaid directions.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice