

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Miscellaneous (Petition) No. 5591/2026

CNR: RJHC010663702026

URN: CRLMP / 9964U / 2026

Riyaj Mohammad Khan S/o Shri Mustak Khan Kayamkhani, Aged About 60 Years, Resident Of Merta City, Tehsil Merta, District Nagaur.

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Smt Sayara Bano W/o Shri Mardan Ali, Resident Of Kadri Colony, Merta City, Tehsil Merta, District Nagaur.

----Respondents

For Petitioner(s) : Mr. Vishal Sharma

For Respondent(s) : Mr. Vikram Singh Rajpurohit, PP
Mr. Awar Dan Ujjwal

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

16/07/2026

The present criminal misc. petition has been filed by the petitioner under Section 528 BNSS against the order dated 01.06.2026 and 24.02.2026 passed by learned Additional Chief Judicial Magistrate, Merta in Criminal Case No.59/2017 whereby the learned Court below has allowed complainant to place on record additional document after framing of charge for the offences under Section 420, 467, 468 and 471 IPC.

Learned counsel for the petitioner submits that, in the present case, an earlier application for taking certain documents on record was filed by the complainant, which came to be dismissed by the learned Trial Court vide order dated 24.02.2026,

holding that the said documents were not relevant. It is submitted that, thereafter, another application has been filed, the only difference being that the subsequent application contains a detailed description of the documents sought to be taken on record.

It is further submitted that the earlier order dated 24.02.2026 has never been challenged and, therefore, has attained finality. Consequently, no subsequent application seeking to place the same or similar documents on record was maintainable, as permitting the same would amount to an abuse of the process of the Court.

Learned counsel further submits that the documents sought to be produced pertain to a separate transaction arising out of an agreement, in respect whereof a negative final report was submitted, which has also been upheld by the High Court. Therefore, the said documents are wholly irrelevant for the adjudication of the present trial.

It is submitted that, ignoring all these material facts, the learned Trial Court allowed the application vide order dated 01.06.2026. It is contended that, while doing so, the learned Trial Court failed to examine the relevancy and admissibility of the documents sought to be produced. Moreover, taking the said documents on record would substantially alter the scope of the trial, as they relate to an agreement which is not the subject matter of the present proceedings.

This Court has considered the arguments raised as well as gone through the orders dated 24.02.2026 and 01.06.2026. The contention raised by the petitioner is correct to the extent that the

earlier application was rejected and, subsequently, a detailed application has been filed. However, there is no discussion with regard to the relevancy of the documents in the impugned order, whereas the earlier application had been rejected on the ground that the documents were not relevant.

Learned counsel for the respondent stated that relevant document is required to be taken on record.

This Court finds that there is a substance in arguments raised by the counsel for the petitioner.

Issue notice.

Learned public prosecutor accept notice on behalf of respondent-State.

Learned counsel for the complainant accept notice on behalf of respondent No.2.

Learned counsel for the complainant seeks time to file reply.

List this matter after six weeks.

In the meanwhile, to the effect and operation of order dated 01.06.2026 passed by learned Additional Chief Judicial Magistrate, Merta in Criminal Case No.59/2017 shall remain stayed.

(BALJINDER SINGH SANDHU),J