



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.319 OF 2023

Mrs. Sunaina Gaurav Jagnani

... Petitioner

V/s.

State of Maharashtra & Anr.

... Respondents

Ms S. G. Jagnani, In-person.

Mr S. M. Ghodeswar, APP for Respondent-State.

CORAM : NITIN W. SAMBRE AND
VALMIKI SA MENEZES, JJ.

DATED : 11th SEPTEMBER, 2023.

P.C.:

1. We have heard party in person at length.
2. We are also sensitive to the earlier orders passed by this Court.
3. The prayer of the Petitioner is as under :

“a) Allow this present Writ petition.

b) Summons to be issued to the concerned IO Mrs. Devkar Madam i.e. respondent no.2 in the crime no-468/2021 and explanation be sought from her;

c) Assign an another IO to this case vide crime no-468/2021, so that the investigation can take place in a fair & proper manner, & that the petitioner can now submit her evidences without any fear, but in the eye of the Hon’ble Court so that the corruption earlier happened should not reappear again., as now the

Sessions trial case no-196/2022 is going towards injustice because of the manoeuvre investigation by the IO in this case vide crime no-468/2021.”

4. It is the case of the party in person that she is in possession of additional evidences, which the Investigating Officer must look into and if so required submit supplementary charge-sheet or may register an independent FIR/Crime.

5. As far as the aforesaid contentions are concerned, if we look into the provisions of Section 173 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “the Code”), the Petitioner is provided with an appropriate remedy under sub-section (8) of Section 173 of the Code. Petitioner is a complainant in trial of Crime No.468 of 2021 i.e. Sessions Trial Case No.196 of 2022. It is always open to her to produce the additional evidences which of course, the Court below can look into and may pass appropriate order.

6. In that view of the matter, we permit the Petitioner to appear before the Sessions Court in Sessions Trial Case No.196 of 2022 alongwith the additional evidences of which, she claims to be in possession of with appropriate prayer.

7. This Court while dealing with the conduct of the Petitioner has already observed in its order dated

22nd August, 2023 as under :

“In pursuance of our earlier order petitioner is requested to tender the evidence which she claims to have. But she said that she is unable to give the evidence at present.

2. *On the other hand, the petitioner in person makes wanton allegations against various stake holders. She also urged us to grant permission her to commit suicide. She made allegations against Police Commissioner, the trial Judge as well as the Principal District and Sessions Judge. She has alleged that we are sheltering all the judicial officers. She states that the police are manhandling her of which cognizance be taken.*

3. *On last date we have specifically directed to put her grievance to the Registrar (Administration) to look into the matter regarding her grievance, if any, against the police deputed in the High Court. We have repeatedly asked petitioner to restrict herself to the extent of her grievance in the matter but she goes on making variety of allegations which has no connection with petition. She is again requested to tender material, if any, so that further steps could be taken.*

4. *Stand over after **two weeks.**”*

8. In the backdrop of aforesaid observations, we deem it appropriate to warn the Petitioner, particularly about her conduct as noted in the aforesaid order, as she being a law student is duty bound to maintain decorum and should have respect for the Court proceedings. We further observed that in case if the conduct of the Petitioner is not above

board while appearing in-person before the Court below, the Trial Court shall be at liberty to pass such order as it deem fit including that of saddling costs on the Petitioner.

9. In case, if prayer is moved by the Petitioner in light of above observations, the Sessions Court shall look into the same and decide it in accordance with law without being influenced by disposal of the present criminal writ petition.

10. The criminal writ petition accordingly stands disposed of.

11. As a sequel of above, the pending applications also stand disposed of.

(VALMIKI SA MENEZES, J.) (NITIN W. SAMBRE, J.)