



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1906 OF 2025

Bramhanand Raosaheb Naikwadi,
Age : 56 years, Senior Police Inspector,
Presently attached to Nerul Police Station,
Navi Mumbai.

.....Petitioner

Vs.

1. The State of Maharashtra,

2. The Director General of Police,
Maharashtra State, Mumbai.

.....Respondents

Mr. Rizwan Merchant with Mr. Rajabhau Chaudhari, for the
Petitioner.

Mr. V. B. Konde Deshmukh, Add. P. P., for the Respondents-State.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 16th APRIL 2025.

P.C.:-

1. By this Petition, the Petitioner essentially seeks quashing and setting aside of the letter dated 22nd January 2025 bearing Outward No.558 of 2025 issued by the learned District Judge-I and Sessions Judge, Beed (Trial Judge). By the impugned letter addressed to the Directorate General of Police ('DGP'), the Trial Judge has requested the DGP to frame Standard Operating Procedure (SOP) for giving evidence through video conferencing to ensure maintenance of

decorum in the Court. The impugned letter appears to have been prompted by improper conduct of the Petitioner while giving evidence through video conferencing, by way of a mobile phone in a trial before the Trial Court.

2. Mr. Rizwan Merchant, learned counsel appeared for the Petitioner and Mr. V. B. Konde Deshmukh, learned Additional Public Prosecutor appeared for the State.

3. Mr. Merchant states that, the Petitioner is a Senior Police Officer attached to the Nerul Police Station, Navi Mumbai since July 2024. On 20th January 2025, the Petitioner was required to appear before the Trial Court to give evidence in Session Case No.147 of 2014 of which he was the Investigating Officer. According to Mr. Merchant, the Petitioner appeared before the Trial Court from his office chambers situated at Nerul Police Station through his mobile phone. While recording his evidence, when one constable tried to enter the chamber without knocking, the Petitioner immediately raised his hands to stop him. This fact was noted by the learned Judge. The Petitioner immediately apologized to the Court. However, on 31st January 2025, the Petitioner received a show cause notice dated 22nd

January 2025 issued by the Trial Judge seeking an explanation as to why action should not be initiated against him for contempt of Court. The Petitioner accordingly submitted his reply on 4th February 2025 to the said show cause notice. On 19th February 2025, he received another show cause notice from the office of the Additional Director General of Police (Administration), Maharashtra State, Mumbai seeking an explanation in terms of the letter impugned in this Petition.

4. Mr. Merchant submits that the Petitioner was on duty in supervising arrangements for a concert to be held from 18th January 2025-21st January 2025. This public event was of an International Band under the name of 'Coldplay Concert' and it was within the jurisdiction of the Petitioner. As a huge crowd was expected to attend the entire concert was marked as 'sensitive' and 'serious' from the point of view of security. The Petitioner was thus tired and under stress, like all other police officials in his team.

5. It was during this period that the evidence of the Petitioner was to be recorded before the Trial Court. Since the Petitioner could not have reached the Beed District Court physically, he sought to depose through video conference on his mobile phone.

The Trial Court queried the Petitioner regarding certain documents, which were not readily available with the Petitioner. The internet connection was also very poor and the microphone was intermittently getting muted. According to Mr. Merchant, there was no intention on the part of the Petitioner to disrespect the Trial Judge. There was also no impropriety, nor was his conduct contemptuous. The Petitioner was thus, surprised to receive a notice dated 6th February 2025 from the DGP to show cause as to why his annual increment should not be stopped for his conduct before the Trial Judge. Thus, Mr. Merchant states that the Petitioner apprehends serious prejudice to his career. He submits that there is no contempt of Court and the letter issued by the Trial Judge to his Senior is totally misconceived. Hence, he prays that the said letter be quashed and set aside.

6. Mr. Konde Deshmukh justified the act of the Trial Judge in requesting for framing SOP to give evidence through video conference and says that there is no violation in the principles of criminal jurisprudence as alleged by Mr. Merchant. He thus, urged the Court to dismiss the Petition.

7. We have heard the parties and perused the documents on

record with their assistance. We have also perused the impugned letter carefully.

8. A plain reading of the said letter graphically reveal the sequence of events that happened during the deposition. *Firstly*, the Petitioner deposed that he did not have the necessary papers. In fact, the APP, one Mr. Rakh appearing in the trial informed the Trial Court that the related papers were sent to the Petitioner well in advance. *Secondly*, while recording the evidence, the Petitioner kept muting his microphone and was speaking with someone else in the room. When the Trial Judge admonished him not to speak to anybody while deposing, the Petitioner laughed. Despite repeated warnings by the Court to answer properly, he kept telling the APP that everything is written in the panchanama. The Trial Judge also found him to be answering his phone and when questioned he replied that he had to answer the call of the Commissioner of Police.

9. The aforesaid behavior of the Petitioner *prima facie* clearly reeks of insolent conduct on his part. The High Court and the Trial Court have laid down Rules for conduct of hearing through the medium of video conference. The mere fact of being permitted to

appear and depose from the comfort and convenience of his office definitely did not allow him to take the Court proceedings casually. Recording of evidence is a crucial part of a trial. In fact, the Petitioner's evidence was highly significant considering that he was the Investigating Officer in the case. The annoyance of the District Judge depicted in the impugned letter cannot be considered as exaggerated or misconceived. The manner in which the Petitioner conducted himself during the proceedings is sure to cause some obstruction in the administration of justice and affect the proceedings in the trial. In any case, a request by the Trial Judge to the Petitioner's superior Officer to frame SOP's for the investigating agencies in giving evidence through video conference does not imply any personal vendetta of the Trial Judge against the Petitioner, as alleged by him.

10. In view of the aforesaid discussion, we do not find any infirmity or illegality on the part of the Trial Judge in issuing the impugned letter. The Petition is accordingly dismissed.

11. Needless to state, that the Petitioner is at liberty to deal with the show cause notice issued by his senior Officer to him on its own merits.

12. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)