

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE**

CRIMINAL WRIT PETITION (STAMP) NO.2459 OF 2020

1. Dr.Sarita Kishor Parikh
2. Glenn Paul Fernandes ... Petitioners
Vs.
Commissioner of Police, Thane & others ... Respondents

**With
CRIMINAL WRIT PETITION (STAMP) NO.5459 OF 2020**

1. Dr.Sarita Kishor Parikh
2. Glenn Paul Fernandes ... Petitioners
Vs.
Commissioner of Police, Thane & others ... Respondents

Dr.Sarita Parikh, Petitioner No.1 in person – present
Mr.Glenn Paul Fernandes , Petitioner No.2 – present

Mr.Deepak Thakare, Public Prosecutor with Mr.J.P. Yagnik, APP,
for Respondent – State

**CORAM: S.S. SHINDE &
M.S. KARNIK, JJ.**

DATED: JANUARY 6, 2021

P.C.:

1. On the earlier dates, these matters were listed for physical hearing before this Court, however, on the last occasion, i.e.,

15th December, 2020, due to paucity of time, we could not take up the matters for hearing and the petitioners insisted for virtual hearing through video conferencing. Acceding to the request of the petitioners, the matters were directed to be listed for virtual hearing through video conferencing. Accordingly, today, the matters are listed.

2. Today, when the matters were called out, petitioner No.1 Dr.Sarita Parikh started addressing the Court. During her arguments, we did ask Mr.Yagnik, the learned APP appearing for the State, about the enquiry/investigation papers and in reply, Mr.Yagnik submitted that, there is a huge record which needs to be shown physically to this Court. He submitted that on earlier dates, these matters were listed for physical hearing and without his consent, the petitioners have requested for virtual hearing of these petitions through video conferencing. He submitted that the original enquiry/investigation papers cannot be sent on e-mail keeping in view the fact that the enquiry/investigation is pending and not yet completed. At this juncture, petitioner No.2 Glenn Paul Fernandes interrupted arguments of petitioner No.1 and started addressing the Court in vulgar and abusive language that the

Bombay High Court has destroyed them and they are not ready to come to the Court for physical hearing. There was no reason for petitioner No.2 – Glenn Paul Fernandes to interrupt in the first place and secondly, throughout his address, he did use vulgar and abusive language blaming the Institution. He stated that in case, the matters are not heard through video conferencing, he would espouse his cause through media.

3. We noticed that it is impossible to proceed with hearing of these matters due to the vulgar and abusive words used by petitioner No.2. At this stage, the learned Public Prosecutor Mr.Deepak Thakare, intervened and prayed that a notice for contempt of Court be issued against petitioner No.2.

4. It is true that the language used by petitioner No.2 is vulgar and abusive and prima facie, it is a case for issuance of notice for contempt of Court. However, we show judicial grace and magnanimity and avoid to issue such notice. However, we have reached to a conclusion that, it is not possible to proceed with hearing of these matters through video conferencing for two reasons. Firstly, in case petitioner No.2 is allowed to argue, he would continue his arguments in vulgar and abusive language and

secondly, as rightly submitted by the learned APP, the enquiry / investigation papers which, according to him, are running into a number of pages and since the investigation is in progress, it would not be desirable to send the same by e-mail.

5. In that view of the matter, list the aforesaid matters for **physical hearing on 29th January, 2021 at 2.30 pm.**

(M.S. KARNIK, J.)

(S.S. SHINDE, J.)