

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1107/2017
(Arising out of Special Leave Petition (Crl.) No(s). 836/2017)

VISHWAS SUDHANSHU BHAMBURKAR

APPELLANT (s)

VERSUS

HIGH COURT OF GUJARAT

RESPONDENT (s)

WITH

SLP(Crl) No. 3423/2017 & SLP(Crl.)...CRLMP No. 2077/2017

O R D E R

CRIMINAL APPEAL NO(S). 1107/2017
(@SLP(Crl.) No(s). 836/2017)

Leave granted.

We have heard the appellant who appears in-person as well as learned counsel for the respondent at length.

In this appeal, the appellant is challenging the order of the High Court by which he is denied permission to argue the matter in-person which is pending before the High Court. It appears that the only reason for denying such permission was that the Competency Committee set up under Rule 31A of the Gujarat High Court Rules, 1993 has not given the Certificate of Competency to the appellant

to argue the matter. It appears that the apprehension of the Committee was that the appellant may not maintain the decorum in the court as in his earlier pleadings he had made certain objectionable remarks against one senior advocate and some evinces against a Judge.

However, we find from the record that the appellant had given undertaking dated 10.10.2016 to the effect that he shall maintain the decorum of the Court and would not use objectionable or unparliamentary language while arguing the matter. Having regard to the aforesaid undertaking given by the appellant, he should have been allowed to argue the matter in-person. We, thus, set aside the impugned order and allow this appeal permitting the appellant to argue the matter in-person. At the same time, we also make it clear that if the court, during the course of arguments, finds that the behaviour of the appellant is objectionable and contrary to the aforesaid undertaking, the High Court shall be at liberty to deny him to argue further.

SLP (Cr1.)...CRLMP No. 2077/2017

Delay condoned.

The petitioner filed a petition making certain prayers which included the prayer for registration of an FIR against the respondents with the police to inquire into the complaint of the petitioner as according to the petitioner the respondents had committed certain cognizable offences. On going through the matter,

the High Court found that the petitioner is complaining of some irregularities so far as the management of the college is concerned and, therefore, it would be appropriate for the authority under the All India Council for Technical Education (AICTE) to look into the matter and take appropriate decision in this regard. The High Court, thus, formed the view that at that stage it would not be appropriate to ask the police to interfere in this type of matter. We do not find any infirmity in the aforesaid order. Obviously, it would be first the AICTE that would be required to look into the matter as directed by the High Court. The petitioner is directed to file a written complaint before the AICTE, if not already made. The AICTE shall examine the complaint and take a decision thereon within a period three months. If the petitioner feels aggrieved by the decision taken, he shall be at liberty to challenge the same.

The Special Leave Petition is accordingly disposed of.

Pending application(s), if any, stands disposed of accordingly.

SLP(Cr1) No. 3423/2017

The petitioner filed a petition making certain prayers which included the prayer for registration of an FIR against the respondents with the police to inquire into the complaint of the petitioner as according to the petitioner the respondents had committed certain cognizable offences. On going through the matter, the High Court has dismissed the petition with the observation that no case for registration of FIR is made out. However, at the same

time, we are of the opinion that the complaint of the petitioner can be examined by AICTE. Therefore, this petition also stands disposed of in terms of the order passed in SLP (Cr1.)...CRLMP No. 2077/2017.

.....J.
[A.K. SIKRI]

.....J.
[ASHOK BHUSHAN]

NEW DELHI;
JULY 10, 2017

ITEM NO.31

COURT NO.7

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 836/2017

(Arising out of impugned final judgment and order dated 01-12-2016 in CRLMA No. 23774/2016 in SCRLA No. 6932/2015 passed by the High Court Of Gujarat At Ahmedabad)

VISHWAS SUDHANSHU BHAMBURKAR

Petitioner(s)

VERSUS

HIGH COURT OF GUJARAT

Respondent(s)

WITH

SLP(Cr1) No. 3423/2017

(FOR CONDONATION OF DELAY IN REFILEING ON IA 7303/2017

FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 7306/2017)

SLP(Cr1.)...CRLMP No. 2077/2017

Date : 10-07-2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Vishwas Sudhanshu Bhamburkar
Petitioner-in-person

For Respondent(s) Mr. Santhosh Krishnan, Adv.
Mr. Nikhil Goel, AOR
Ms. Naveen Goel, Adv.
Mr. Ashutosh Ghate, Adv.

Mr. Aniruddha P. Mayee, AOR
Mr. Avnish Oza, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.
Ms. Puja Singh, Adv.
Ms. Mamta Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(Cr1) No. 836/2017

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

SLP (Cr1)...CRLMP No. 2077/2017 & SLP(Cr1) No. 3423/2017

Delay condoned.

The special leave petitions are disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)