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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO. 700 OF 2026

PETITIONER :-

Sanjay Hariram Agrawal,  
Aged 68 years, Occ. Business,  
Presently Residing at Kolkata,  
West Bengal.

-Versus-

RESPONDENT :-

The State of Maharashtra,  
through Police Station Officer,  
City Police Station Wardha,  
District Wardha.

NOTARIAL REG.

ENTRY NO. 56/2

DATE 11/09/2026

AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT

The Respondent mentioned above, most humbly and

respectfully submits as under:-



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1. The petitioner approached this Hon'ble Court being aggrieved of the order dated 10.08.2026 passed by the learned Chief Judicial Magistrate passed below Exh.1079 in R.C.C. No.573/2002 and application below Exh.1079 may kindly be allowed and unconditionally cancel/recall the Non-Bailable Warrant (NBW) issued against the petitioner and consequently, be pleased to quash and set aside the order dated 27.07.2026 passed below Exh.1 in R.C.C. No.573/2002 by the learned Chief Judicial Magistrate, Wardha. The petitioner further prayed to quash and set aside the order dated 23.07.2026 passed by the learned CJM, Wardha on Exh.1051 in R.C.C.No.573/2002, seeking permission to appear and participate in the trial proceedings through video conferencing.

2. At the outset, it is submitted that the present Writ Petition is not maintainable in law and on facts and deserves to be dismissed in limine on the following, among other, grounds, which are without prejudice to one another.

3. That the power of this Hon'ble Court under Sections 397 and 401 of the Code of Criminal Procedure, 1973, to interfere



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in revisional proceedings is very limited. The two orders challenged by the Applicant were passed by the learned Chief Judicial Magistrate after properly considering the facts and record of the case. Therefore, there is no reason for this Hon'ble Court to interfere with the said orders.

4. It is respectfully submitted that Accused No.1 has repeatedly sought exemption from appearing personally before the trial Court. Even after such exemption was granted, he failed to remain present on several occasions. Because of his repeated absence, Non-Bailable Warrants were issued against him on 17.10.2025, 23.09.2025, 08.01.2026 and 27.07.2026. Apart from this, he has sought adjournments on more than fifty (50) dates since the year 2025. His conduct, as also noticed by the trial Court, clearly shows that the trial has been delayed because of his repeated absence. The case has already been pending for nearly twenty-five (25) years.

5. On 27.07.2026, the Investigating Officer, who is about 76 years old, was present before the trial Court for recording his evidence. However, Accused No.1 remained absent and did not



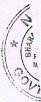
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even file an application for exemption until the closing hours of the Court. Therefore, the trial Court was compelled to issue a Non-Bailable Warrant against him.

6. The State opposed the application at Exh.1079 on the ground that Accused No.1 had not produced any document to show, at the relevant time, that he was unable to remain present before the trial Court. It was also submitted that recalling the warrant would further delay the trial, which has already been pending for about twenty-four to twenty-five years.

7. The order passed by the trial Court did not grant Accused No.1 any permanent or general exemption from personally appearing before the Court. Therefore, his personal presence continues to be required on future dates fixed for recording of evidence. The learned trial Court has correctly considered this position while passing the impugned order.

8. Merely because the accused is required to attend proceedings in other cases pending before different Courts, that by itself cannot be treated as a sufficient ground for granting him



permanent exemption from personal appearance. This is particularly so when the present case involves serious offences under Sections 406 and 420 of the Indian Penal Code relating to cheating and criminal breach of trust and affecting members of the public at large.

9. The trial Court has also rightly considered the conduct of Accused No.1. He has not disclosed his permanent address and has not produced any supporting document to show that he was unable to remain present before the Court. Further, even on earlier occasions, after obtaining exemption, he failed to remain present. These circumstances were rightly considered by the trial Court while deciding whether he should be granted further discretionary relief.

10. The orders dated 27.07.2026 and 10.08.2026 are well-reasoned orders, based on the facts and material available on record and the settled legal position. The said orders do not suffer from any illegality, perversity or jurisdictional error. Therefore, there is no reason for this Hon'ble Court to interfere with them in its revisional jurisdiction.



11. While recalling the Non-Bailable Warrant, the learned Trial Court has specifically observed that Accused No.1 has been taking undue advantage of the pendency of matters before different Courts to delay the present trial, which has already been pending for nearly twenty-five years. The trial Court has also noted that his absence has affected the recording of evidence of the elderly Investigating Officer.

12. Both the impugned orders are discretionary orders passed after properly considering the facts and the applicable law. They are neither illegal nor perverse and therefore do not require interference by this Hon'ble Court.

13. The present case concerns serious economic offences under Sections 406 and 420 of the Indian Penal Code. The allegations relate to cheating and criminal breach of trust affecting members of the public at large. The seriousness of the allegations is also a relevant factor while considering a request for exemption from personal appearance.



14. The trial in RCC No.573/2002 has been pending for approximately twenty-five (25) years. The trial is required to be completed expeditiously in view of the specific directions issued by the Hon'ble Supreme Court and this Hon'ble Court, including the directions referred to in Letter No. SC(C) 626/2025 dated 10.11.2025 and RG/27/2025.

In view of the repeated conduct of Accused No.1 in seeking exemption and adjournments and thereafter remaining absent, resulting in repeated issuance of Non-Bailable Warrants, he is not entitled to any further indulgence from the Court, whether by way of permanent exemption or otherwise.

In view of the above submissions the petition filed by the petitioner is devoid of merit and substance, is liable to be dismissed and be dismissed accordingly.

Hence, this reply.

Nagpur  
Date- 10.09.2026

Drafted by

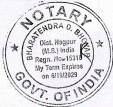
  
( Prachi Joshi )  
Addl. Public Prosecutor.



Respondent.

P<sup>st</sup> Pooja Kailas Suru  
P<sup>s</sup>. Wardha city





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SOLEMN AFFIRMATIONI Pooja Kailas SunalkarAged about 31 years, working as PSI

do hereby state on  
solemn affirmation that the contents of paras 1 to 14 are drafted by  
my counsel in accordance with instructions, written as well as oral.  
I have carefully gone through the said contents and found them to  
have been correctly drafted. I say that the contents of above paras  
1 to 14 are based on information received from the official record  
and believed to be true by me.

Hence, verified and signed at Nagpur on this 11<sup>th</sup> day of  
September, 2026.

I know the deponent.  
Prachi Joshi

APP

Madam/-

Deponent.

Pooja Kailas Sunalkar  
PSI, PS. Wardha city

SWORN & FORGONE ON THIS 11<sup>th</sup> THE  
DAY OF Sept 2026 AT NAGPUR BY  
SHRISMT/KU. Pooja Kailas  
Sunalkar

R/o. NAGPUR WHO HAS BEEN IDENTIFIED  
BY SHRI/SMT Prachi Joshi APP Nag  
ADVOCATE, NAGPUR.

BHARATENDRA D. BHOYAR  
NOTARY  
NAGPUR DIST. (M.S.) INDIA

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