

**Reserved On : 22/12/2025****Pronounced On : 13/01/2026****IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 17143 of 2025****FOR APPROVAL AND SIGNATURE: sd/-****HONOURABLE MR. JUSTICE M. R. MENGDEY**

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Approved for Reporting	Yes	No
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ARVIND KEJRIWAL S/O SH. G.R. KEJRIWAL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR BHAVOOK CHAUHAN with MR MOHD. IRSHAD with MR. VISHAL J DAVE for the Applicant(s) No. 1

MR MITESH AMIN, AAG with MR HARDIK DAVE, Public Prosecutor with MR. HIMANSHU PATEL, APP for the Respondent(s) No. 1

MR NIRUPAM D NANAVATY, SENIOR COUNSEL with MR AMIT N NAIR with MR. VINIT A NAIR for the Respondent no.2

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY**CAV JUDGMENT**

1. By filing the present petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, the petitioner has prayed for the following reliefs:-



- A. Your Lordships may be pleased to set aside the impugned order dated 15.12.2025 passed by the Id. Sessions Court at Ahmedabad against the petitioner in Criminal Revision No.147 of 2025;
 - B. Your Lordships may be pleased to set aside the impugned order dated 23.09.2023 passed by the Id. 2nd Addl. Chief Metropolitan Magistrate, Gheekanta at Ahmedabad against the petitioner in Criminal Case No.29303 of 2023.
 - C. Call for and examine the record of the Criminal Case No.29303 of 2023 pending before the Court of Id. 2nd Addl. Chief Metropolitan Magistrate, Gheekanta at Ahmedabad;
 - D. Pending admission, hearing and final disposal of the present application, Your Lordships may be pleased to stay the proceedings being Criminal Case No.29303 of 2023 pending in the Court of the Id. 2nd Addl. Chief Metropolitan Magistrate, Gheekanta at Ahmedabad.”
2. The facts and circumstances giving rise to the present petition are as such that the respondent no.2 herein has lodged the complaint against the petitioner alleging offence punishable under the provisions of Section 500 of the Indian Penal Code, 1860 being committed by the petitioner. The proceedings in question have culminated in Criminal



Case No.29303 of 2023. In the said proceeding, the application vide Exh-37 came to be submitted on behalf of the petitioner and it was prayed that the trial against both the accused including the present petitioner to be conducted separately. The said application was dismissed by the learned Magistrate vide order dated 23.09.2023.

3. Being aggrieved by the same, the petitioner herein had preferred Criminal Revision Application No.147 of 2025. The said Revision Application was also dismissed by the learned Sessions Court vide order dated 15.12.2025. Being aggrieved by the same, the petitioner has preferred the present petition.
4. Learned advocate Mr. Aum Kotwal appearing for the petitioner submitted that the provisions of Section 34 and 120(B) of the IPC are not invoked in the complaint lodged against the petitioner and other co-accused. Therefore, it is not the case on the part of the prosecution that both accused had either hatched a conspiracy for committing the alleged offence or there was any common intention on their part for committing such an offence. Therefore, the acts alleged on the part of both the accused including the



present petitioner are different and distinct to each other and therefore, those acts alleged on the part of the petitioner as well as other co-accused cannot be said arising out of the same transaction and therefore, under Section 223 of the Cr.P.C., the petitioner and other co-accused are not required to be tried together. He further submitted that the evidence adduced by prosecution against the other co-accused may hamper the defence of the present petitioner which is likely to result into prejudice being caused to the petitioner and therefore, the petitioner as well as other co-accused are required to be tried separately. He further submitted that the reasons given by the learned Sessions Court as well as by the learned trial Court in dismissing respective applications filed by the petitioner before them are not germane to law. He further submitted to allow the present petition and quash and set aside the orders impugned in the present petition and direct the petitioner to be tried separately from the other co-accused.

- 4.1 Learned advocate appearing for the petitioner sought to rely upon the following judgments in support of his submissions: -



- Avinash Singh and Ors. vs. State of Chhatisgarh and Ors. reported in 2006 Cr.L.J. 4152
- Balu Malhari Bhusari vs. State of Maharashtra and Ors.
- Arvind Gobindram Kejriwal vs. State of Gujarat
- Arvind Kejriwal vs. Piyush M Patel and Another
- Shakuntala Devi & Ors. vs. Chamru Mahto & Anr.
- Krishnan & Anr. vs. Krishnaveni & Anr.
- Prabhu Chawla vs. State of Rajasthan reported in (2016) 16 SCC 30
- Arnab Manoranjan Goswami vs. State of Maharashtra (2021) 2 SCC 427

5. Learned Additional Advocate General Mr. Mitesh Amin appearing for the respondent State has opposed the application *inter-alia* contending that the acts alleged on the part of the present petitioner as well as other co-accused forming part of very same transaction and they are required to be tried together and both the Court below have rightly rejected the prayers made by the petitioner for



separate trial which requires no interference at the hands of this Court. He, therefore, submitted to dismiss the present petition.

6. Learned senior counsel Mr. N. D. Nanavaty with learned advocate Mr. Amit A. Nair and learned advocate Mr. Vinit A. Nair appearing for the respondent no.2 has also opposed the grant of present petition *inter-alia* contending that the acts alleged on the part of the petitioner as well as co-accused dealing to same transaction and therefore, it cannot be said that both of them required to be tried separately. He further submitted that this issue was already raised by the petitioner during the course of hearing of earlier petition, which was discarded by this Court. Therefore, the petitioner cannot be allowed to reopen the very same contention, which had already been negated by this Court. He has further submitted that the petitioner has invoked the inherent powers of this Court available under Section 528 of the BNSS. However, the petitioner has throughout remained absent from the trial Court and has not co-operated with the proceedings before the learned trial Court. Therefore, the inherent powers should not be exercised in favour of the petitioner who is



not co-operating with the learned trial Court. He has further submitted that the evidence required to be adduced against the present petitioner as well as co-accused would be common and therefore, learned trial Court has rightly rejected the prayer made by the petitioner. He, therefore, submitted to dismiss the present petition.

6.1 Learned senior counsel appearing for the respondent no.2 sought to rely upon the following judgments

- Mamman Khan vs. State of Haryana reported in 2025 (0) ALJEL-SC 75870
- State vs. Mangtu Ram reported in 1961 (0) ALJEL-RJ 1803061
- Sushil Kumar Tiwari vs. Hare Ram Sah reported in 2025 (0) ALJEL-SC 75808

7. Heard learned advocates for the respective parties. At the outset it is required to be noted that earlier the petitioner had approached this court by filing Special Criminal Application no. 12429 of 2023 and a specific ground with regard to conducting separate trials against both the accused was taken in the said petition. However, the coordinate bench had not passed in that regard. Thus, petitioner is trying to reopen the very same contention again.



8. From the record it appears that on 29.04.2016, the Central Information Commission had passed an order whereby respondent no.2 University was directed to provide the particulars of the degree awarded to Honourable Prime Minister of India by Gujarat University. The University had challenged the said order before this Court by filing Special Civil Application No.9476 of 2016. The Coordinate Bench of this Court vide order dated 31.03.2023 had allowed the petition filed by the respondent University and had quashed and set aside the order passed by the Central Information Commission. On the very next day i.e. 01.04.2023, the petitioner herein addressed the Press Conference wherein certain statement came to be made by him and the video of the said the Press Conference was also uploaded by the petitioner on his Twitter handle on 01.04.2023 itself. On 02.04.2023, the accused Sanjaysingh also addressed the Press Conference wherein also, certain statements were made by him and he also uploaded the video of said the Press Conference on his individual Twitter handle.
9. Thus, it appears that after this Court allowed petition filed by the University challenging the order passed by the



Central Information Commission, the petitioner as well as the other co-accused addressed the Press Conferences back to back making certain statements and uploaded the videos of respective Press Conferences on their respective Twitter handles. The respondent no.2 found this act defamatory and lodged complaint against the petitioner as well as the other co-accused. The petitioner as well as the co-accused Sanjaysingh being at the helm of a political party i.e. Aam Aadmi Party, had decided to address the Press Conference after the order of this Court, raising doubt about the degree of the Honourable the Prime Minister and the intent on the part of the University in not providing information in that regard. Even though, the provisions of Section 120(B) and Section 34 of the IPC are not invoked against the petitioner as well as co-accused in the complaint, it appears that the petitioner and co-accused had decided to address the Press Conference as a part of their political strategy and after holding those Press Conferences, videos of respective the Press Conferences were also uploaded by them. Therefore, it appears that the incident alleged against the petitioner as well as other co-accused were forming part of the same transaction. Having



regard to the allegations levelled against the petitioner as well as other co-accused, it appears that the evidence which would be adduced against them during the course of trial would be the same. Therefore, there is no reason for conducting separate trial against the petitioner as well as the other co-accused.

10. It is sought to be contended on the part of the petitioner that the evidence adduced against the other co-accused may cause prejudice to the defence of the petitioner. As discussed herein above, the evidence which would be adduced against the petitioner and other co-accused would be the same. Learned advocate appearing for the respondent no.2 University has also stated at the bar that the evidence to be adduced against both the accused including the petitioner would be the same. Therefore, it is not likely that the separate set of evidence would be submitted against the other co-accused. So far as the aspect of prejudice being caused to the petitioner is concerned, except bare assertion in that regard, there is nothing on record to indicate as to what prejudice would be caused to the petitioner. It is merely an apprehension being voiced by the petitioner of prejudice only with a view to



getting the trial separated. It is also required to be noted that the plea of the present petitioner and other co-accused was recorded before the learned trial Court on 11.08.2023 and thereafter, the application for separate trial was submitted before the learned trial Court on 23.09.2023. The learned trial Court as well as learned Sessions Court while dismissing respective applications filed by the petitioner have rightly held that the acts alleged against the petitioner as well the other co-accused are arising out of the same transaction.

11. Learned advocate appearing for the petitioner has sought to rely upon the judgment of the Hon'ble Chhattisgarh High Court in the case of Avinash v. State of Chhattisgarh wherein the Hon'ble Chhattisgarh High Court had held separate trial to be conducted against both the accused. However, in the facts of the case of Hon'ble Chhattisgarh High Court, firstly the investigation was carried out by the local police and thereafter, the investigation was handed over to C.B.I. and two separate charge-sheets came to be filed by both agencies narrating different set of facts. It was under those circumstances, Hon'ble Chattisgarh High Court had ordered the separate trial against the accused



persons. Learned advocate appearing for the petitioner cited the judgment of Hon'ble Bombay High Court in the case of Babu Malhari Bhusari (supra) wherein the Bombay High Court held that in case of distinct offence committed by different accused on different date, time and place then if joined trial is conducted, it may cause serious prejudice to the rights of the accused. However, in the facts before the Bombay High Court, it was alleged against the respective accused to have committed rape upon victim in two separate events and therefore, it was held by Hon'ble Bombay High Court that both offences were committed separately and therefore, it was directed to hold separate trial against the accused whereas in the present case as observed hereinabove, the acts alleged against the petitioner as well as co-accused are arising out of same transaction. Therefore, the judgments which are sought to be relied upon by the petitioner would render no help to him.

12. Having regard to these facts, the present petition is devoid of merits and the same is hereby dismissed.

(M. R. MENGDEY,J)

NABILA