



9-Wp-3093-2025.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3093 OF 2025

Dhiren Sushil Roy

... Petitioner

V/s.

Cyber Police Station & Ors.

... Respondents

 Mr. Abhijeet P. Rane for Petitioner.

Mr. Shrikant V. Gavand, A.P.P. for Respondent-State.

Mr. Subodh Desai, Senior Advocate a/w Mr. Gaurav Thakur & Ms. Aditi Kambli i/b A.S. Dayal & Associates for Respondent No.2.

Mr. Mayur Bohjwani and Ms. Dhamini Nagpal i/b Manilal Kher Ambalal & Co. for Respondent No.3.

Mr. Mandar Lalsare (Through V.C.) for Respondent No.5 (in Ist Session).Mr. Atul Mishra i/b Mr. Mandar Lalsare for Respondent No.5 (in IInd session).

Ms. Vaishali Bhilare for Respondent No.7.

Adv. Oduvil Mohandas a/w Adv. Ashwin Nair, Mr. J.P. Kapadia i/b Little & Co. for Respondent No.8.

Ms. Swapnal Dhumal (Dy. Branch Manager) and Mr. Chaitanyaa Gosavi, Member of Legal Department for Respondent No.5, present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**
DATE : 28th September 2026**P.C. :**

1) The present Petition was called out for hearing in the morning session.

2) Mr. Rane for the Petitioner submitted that the present case

concerns a cyber fraud perpetrated by unknown persons apparently with the active connivance of employees of telecom service providers and bank employees. He submitted that the Petitioner has lost a sum of Rs.1,40,00,000/-, being his entire lifetime savings in the said crime.

3) Mr. Desai appearing on behalf of the Respondent No. 2 submitted that it had co-operated with the investigating agency and afforded all necessary assistance. He further submitted that, the Officers of Respondent No.2 will assist the Investigating Agency in unearthing the fraud.

4) Learned APP made a grievance that, though the Investigating Agency is repeatedly calling officers of Respondent Nos. 2 to 7-Banks, they have not attended the Police Station and have not been providing the necessary and relevant information to proceed with the investigation of the present crime.

5) Advocate Mr. Lalsare is appearing through V.C. for the Kotak Bank i.e. Respondent No.5. We asked him, why was the Bank not co-operating with the Investigating Agency ? His answer was rather unusual. He submitted that, he would take instructions. We then asked him when was the Petition served upon him. He answered that it was some time ago. To this the Petitioner's Advocates submitted that, it was served almost a year ago. Mr. Gavand submitted that the IO had issued summons to all banks on or about 30th December 2025 for attending the Investigating Agency. We then asked Mr. Lalsare that, the matter was serious and he would have to appear in person in

Court alongwith the head of the Bank such as Regional Manager/Area Manager to answer Court questions. We noticed and informed him that, he was not attentive and that he was dodging the questions put to him. He submitted that he had not come to Court as he had another matter before the Aurangabad Bench. We clearly informed him that the present matter was very serious and he must come to Court alongwith the Bank's Officer.

5.1) When we expressed our displeasure and asked him where he was addressing us from, he informed us that, he was addressing this Court from Thane, through V.C.

6) The Petition was accordingly kept back to be taken up in the afternoon session. At around 3.15 p.m., when the matter was called out, Advocate Mr. Atul Mishra appeared under the instructions of Advocate Mr. Lalsare. When asked where was Mr. Lalsare and why was he not present in Court, he submitted that Advocate Mr. Lalsare is in personal difficulty and therefore could not attend. He further submitted that, he was requested to attend this Court along with the concerned Officer and accordingly Ms. Swapnal Dhumal, Dy. Branch Manager, Kotak Mahindra Bank, Mumbai is present in Court.

7) It be noted here that, in the morning session, we had specifically directed Advocate Mr. Lalsare to attend this Court personally along with either Regional Manager /Area Manager or General Manager of Kotak Mahindra Bank, Mumbai.

8) However, in the afternoon session, Ms. Swapnal Dhumal, Dy. Branch Manager, Kotak Mahindra Bank, Mumbai, appeared before us clearly in violation of our directions.

9) Evidently, and most surprisingly, Advocate Mr. Lalsare has flouted both of our directions namely (i) to personally remain present before this Court and (ii) to inform the Regional Manager /Area Manager or General Manager to attend this Court for answering the Court's queries. The said directions were issued considering the gravity of the offence and allegations made against various bank officers including the Officers of the Kotak Mahindra Bank as they have not been providing information to the Investigating Agency for unearthing the crime alleged in the Petition.

10) Upon a query posed by this Court, Ms. Swapnal Dhumal, Dy. Branch Manager, Kotak Mahindra Bank, Mumbai, submitted that, 'somebody' from Legal Department told her to attend the Court and therefore, she is present before this Court.

11) We are deeply disturbed by the casual approach adopted by the Advocate for Respondent No.5 as well as the Legal Department of the Kotak Mahindra Bank. We deprecate such practice. The Legal department of Kotak Mahindra Bank ought to have been aware of the matter as it was served almost a year ago and ought to have given appropriate and complete instructions to its Advocate. That Mr. 'somebody' of the Legal Department of Kotak Mahindra Bank, whose name is not disclosed to the Court could not have taken matters

so casually and directed Ms. Swapnal Dhumal, Dy. Branch Manager, Kotak Mahindra Bank, Mumbai, to attend this Court.

12) Advocate Mr. Lalsare appearing through V.C. interjects to inform us that, he had passed on the directions of this Court to one Mr. Chaitanyaa Gosavi, Member of Legal Department.

13) As a matter of fact, Advocate Mr. Lalsare was obliged to directly inform the Regional Manager /Area Manager or General Manager of Kotak Mahindra Bank, Mumbai, about our directions to personally remain present. Despite specific directions, the Advocate Mr. Lalsare attempting to dodge the issue has raised a specious plea, that he was to attend another matter at Aurangabad Bench, and therefore did not attend this Court.

14) Such practice adopted by Advocate Mr. Lalsare is entirely unacceptable. The matter was kept back as it appeared that he was unable to understand our questions and was giving evasive replies which were unacceptable to this Court. He could not have taken our directions to remain present in Court casually and remained in his office to appear before another Court and then once again appear through V.C. when this matter was specifically kept back for him to travel from Thane and attend the Court personally. He ought to have made alternate arrangements for the other Court and not send his proxy to this Court in the face of our specific directions to attend this Court. This sort of practice adopted by Advocate Mr. Lalsare, is strongly deprecated. It is clearly and blatantly disregarding and flouting the

Orders of this Court.

15) Even in the second session, though he appeared through V.C. he appeared without obtaining complete instructions. He continued to give irrelevant answers to the questions put by us. Such conduct of Advocate Mr. Lalsare certainly amounts to undermining the Authority of this Court and flouting the directions though orally issued to him.

16) We are therefore compelled to refer this matter to the Bar Council of Maharashtra and Goa for initiating necessary and strict action against Mr. Lalsare for blatantly flouting specific directions of this Court.

16.1) We direct Secretary, Bar Council of Maharashtra and Goa, to place this Order before the Chairman of Bar Council of Maharashtra and Goa for necessary action in that behalf.

16.2) It be noted here that, we reserve our right to initiate criminal contempt, as contemplated under Section 2(c) of the Contempt of Courts Act, 1971, against Advocate Mr. Lalsare for his aforementioned conduct, in addition to his matter being referred to the Bar Council of Maharashtra and Goa.

17) As far as the conduct of Advocate Mr. Atul Mishra is concerned, he ought not to have casually stated that Mr. Lalsare was in personal difficulty. This kind of casual statements made are wholly unacceptable. The Advocate must take full instructions before appearing in matters and only then make statements. He ought to have asked Mr. Lalsare what was the nature of his personal difficulty and not simply reiterate what Mr. Lalsare instructed him to

say.

17.1) The deplorable practice adopted by Advocate Mr. Lalsare, i.e. willfully and contumaciously flouting out Orders of this Court is deprecated. Mr. Desai, learned Senior Advocate and Mr. Gavand, learned APP informed this Court that, Advocate Mr. Mishra is a fresh entrant into the profession and requested that he may be pardoned for his mistake. They submit in unison that, he was only telephonically instructed to inform the Court about Advocate Mr. Lalsare's personal difficulty and had no idea about this Court's instructions to Advocate Mr. Lalsare in the morning session. Besides he was not working with Advocate Mr. Lalsare and had merely appeared at his request.

17.2) Advocate Mr. Mishra, submitted that, he will file his Affidavit tendering unconditional apology for his conduct.

17.3) The said Affidavit be filed on or before Wednesday i.e. 30th September 2026.

18) Let all Regional heads or Area heads of Respondent Nos. 2 to 7 who are in a position to answer all Court queries and take prompt action in respect of the issue involved in the Petition be present in Court on the next date.

19) Stand over to 30th September 2026.

20) To be listed under the caption 'For Directions'.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)