IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3963 OF 2025

Rajesh Kumar Satyapal Surlia .. Petitioner
Versus
The State of Maharashtra and Anr. .. Respondents

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- Mr. Ranjeet M. Pawar, Advocates for Petitioner appointed through legal aid.
- Ms. Rajeshree V. Newton, APP for Respondent No.1.

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CORAM : MILIND N. JADHAV, J.
DATE : OCTOBER 30, 2026

P.C.:

1. Heard Mr. Pawar, learned Advocate appointed through legal aid to espouse the cause of Petitioner and Ms. Newton, learned APP for Respondent No.1.

2. The Petitioner is a 45 year old person who has been indicted in the present crime under Section 66(C) of the Information Technology Act, 2000 and Sections 500 and 419 of the Indian Penal Code, 1860 for impersonating and putting on Twitter certain objectionable and defamatory messages which are the subject matter of Complaint with regard to certain high-ranking officials working in HPCL and also against the Central Union Minister for Petroleum. The General Manager of HPCL is Complainant in the present case.

3. This order is dictated in open Court after giving a detailed hearing to Mr. Pawar.

4. With the assistance of the Legal Aid appointed Advocate, I

have perused the record of the case.

5. This case came to be listed before Court only because the Petitioner addressed an email to the Honorable the Chief Justice of India and the Honorable the Chief Justice of this Court on 06.08.2026 which was followed by a series of emails, the last two emails being that of 29.08.2026 and 21.10.2026 addressed to the Registrar General of this Court wherein it was stated that despite the praecipes filed by his appointed Advocate, the matter was not listed since July 2025 and the continued non-listing was causing him serious prejudice and Trial Court was proceeding with the Petitioner's case.

6. There is also a letter dated 16.09.2026 received by the Section Officer of the Index Branch of this Court which is addressed to the Registrar, Criminal Appellate Jurisdiction of this Court by the Petitioner. This letter is dated 09.09.2026. It was received by post. In that letter the Petitioner has stated that he is experiencing suicidal thoughts due to his medical condition and therefore the said letters and the emails were placed before me and that is how the present matter is listed today.

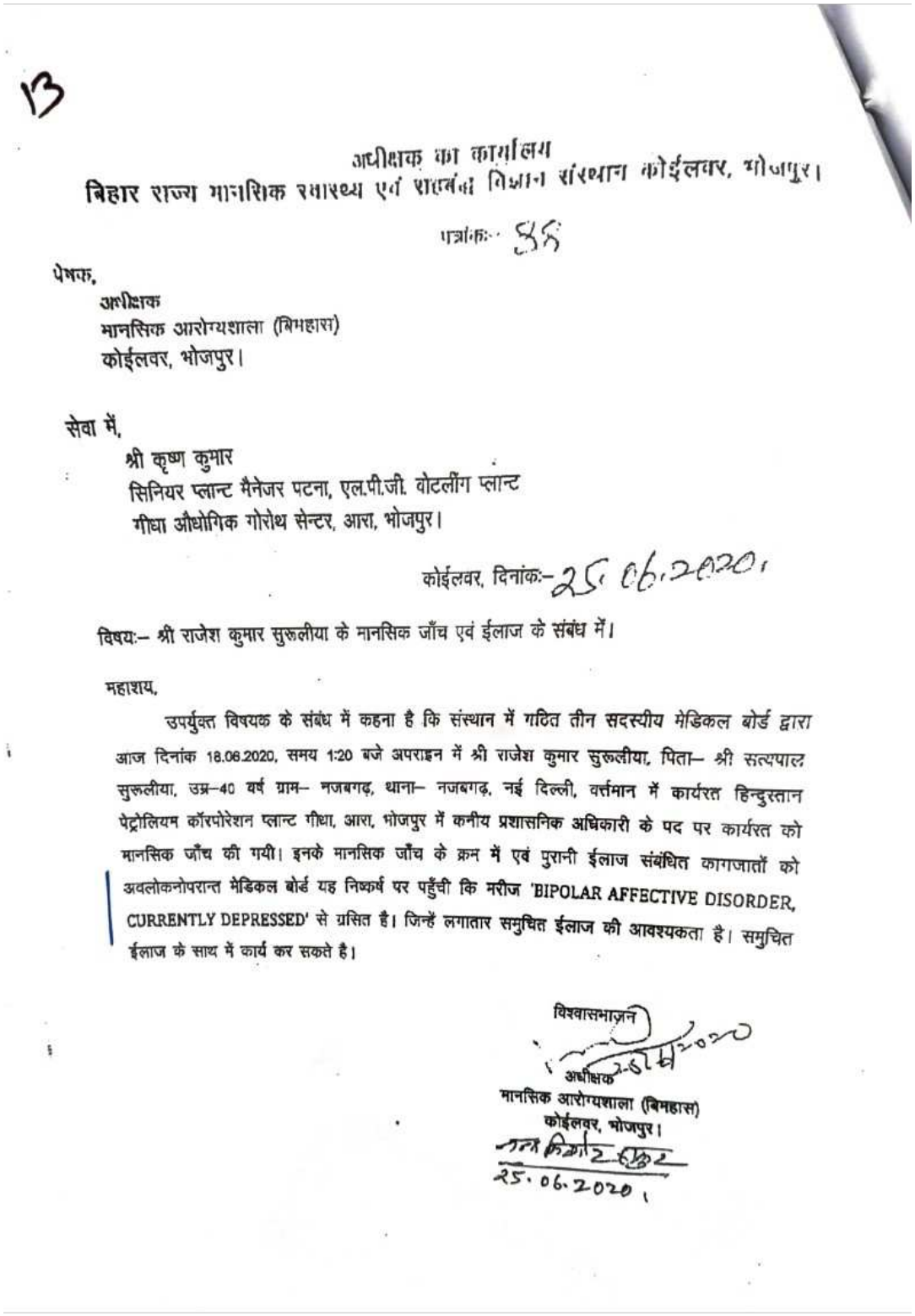
7. With the able assistance of his Advocate, Mr. Pawar, who is the appointed Advocate, I have perused the entire papers. It is seen that Petitioner is 45 years old having two children and presently living in New Delhi. It is also seen from the records that he was working in

HPCL but has been discharged and terminated from service of the Corporation by order dated 15.11.2021 after a detailed inquiry against him for very serious derelictions. The order of discharge dated 15.11.2021 is appended at page Nos.23 to 40 and I have perused the same. It appears from pleadings that after his discharge from the Corporation and after losing his job, the Petitioner is probably not keeping well. That is also what is argued by his appointed Advocate.

8. He has addressed letters to this Court copies of which are placed on record which are addressed to the Registrar seeking legal aid on the ground that he is a person suffering from mental health ailment, is financially incapacitated, staying in New Delhi and that he cannot come to Mumbai due to his financial constraints. Therefore, Mr. Pawar has been appointed to represent him. There is no independent verification of this aspect, neither about his health condition save and except for a solitary letter issued in the year 2020. What criteria has been applied by this Court's office to provide him Legal Aid Counsel and whether he is eligible and entitled for the same is also not clear from the record placed before Court.

9. In the aforesaid factual background in so far as the present case is concerned, the Petitioner has admitted that he has committed the offense and has sought apology. I would like to refer to the medical certificate which is produced by him, a copy of which is appended at

page No.13, which is scanned and reproduced below for immediate reference:-



13

अधीक्षक का कार्यालय
बिहार राज्य मानसिक स्वास्थ्य एवं सहबंधी विज्ञान संस्थान कोईलवर, भोजपुर।

पत्रांक:- 35

प्रेषक,
अधीक्षक
मानसिक आरोग्यशाला (बिमहास)
कोईलवर, भोजपुर।

सेवा में,
श्री कृष्ण कुमार
सिनियर प्लान्ट मैनेजर पटना, एल.पी.जी. बोटलींग प्लान्ट
गीधा औधोगिक गोरोथ सेन्टर, आरा, भोजपुर।

कोईलवर, दिनांक:- 25.06.2020।

विषयः— श्री राजेश कुमार सुरूलीया के मानसिक जाँच एवं ईलाज के संबंध में।

महाशय,

उपर्युक्त विषयक के संबंध में कहना है कि संस्थान में गठित तीन सदस्यीय मेडिकल बोर्ड द्वारा आज दिनांक 18.06.2020, समय 1:20 बजे अपराइन में श्री राजेश कुमार सुरूलीया, पिता— श्री सत्यपाल सुरूलीया, उम्र—40 वर्ष ग्राम— नजबगढ़, थाना— नजबगढ़, नई दिल्ली, वर्त्तमान में कार्यरत हिन्दुस्तान पेट्रोलियम कॉरपोरेशन प्लान्ट गीधा, आरा, भोजपुर में कनीय प्रशासनिक अधिकारी के पद पर कार्यरत को मानसिक जाँच की गयी। इनके मानसिक जाँच के क्रम में एवं पुरानी ईलाज संबंधित कागजातों को अवलोकनोपरान्त मेडिकल बोर्ड यह निष्कर्ष पर पहुँची कि मरीज 'BIPOLAR AFFECTIVE DISORDER, CURRENTLY DEPRESSED' से ग्रसित है। जिन्हें लगातार समुचित ईलाज की आवश्यकता है। समुचित ईलाज के साथ में कार्य कर सकते है।

विश्वासभाजन
25.06.2020
अधीक्षक
मानसिक आरोग्यशाला (बिमहास)
कोईलवर, भोजपुर।
25.06.2020।

10. The above certificate is issued in 2020. No current papers are produced regarding Petitioner's health condition.

11. Mr. Pawar has placed before the Court the apology tendered by the Petitioner on email stating that he seriously apologizes to the entire HPCL hierarchy and the persons who were offended due to his posts and also he has issued a public apology on Twitter, copy of which is placed before the Court. In his emails which are placed on record seeking apology of this Court also he has stated that he has deleted the contentious posts on account of which the present First Information Report (for short '**FIR**') came to be filed. I have read the posts posted by Petitioner on Twitter. They are *per se* defamatory and insinuating. Hence law will have to take its own course.

12. He has attributed said conduct due to his mental state. In that view the matter, benefit of doubt can be given to him but there is not enough material before Court to stay the proceedings before the Trial Court at this stage. I therefore need to hear the Complainant before granting stay. From the emails and letters addressed it can be gathered that Petitioner is otherwise well oriented and educated. He can therefore make a request to the Trial Court to exempt his appearance by making appropriate application and seek to appear virtually if he is undergoing treatment due to his medical condition

with all due papers and details about his health condition and if he makes the Application, the Trial Court shall determine it appropriately by examining the papers and decide it judiciously and appropriately. Though Mr. Pawar has requested me to stay the Trial Court proceedings vehemently and I was also inclined to do so, but there is not enough material before me save and except one letter of 2020 issued by some Institution in Bihar regarding Petitioner's medical condition and his emails of apology for his acts, which are not enough for me at this stage to accept the request for stay of the trial Court proceedings. However if the Petitioner makes an application to the Trial Court for exemption of appearance, the Court shall determine the same as expeditiously as possible, if so made.

13. Hence, issue notice to Complainant – Respondent No.2. Learned APP enters appearance and waives service on behalf of Respondent No.1 - State. Copy of this order shall be served on Respondent No.2 by Advocate for Petitioner.

14. I also direct the Legal Aid Department of this Court to consider whether legal aid can be given to the Petitioner and what is the criteria for giving legal aid. The Petitioner claims that he is financially incapacitated but if that the only criteria for giving legal aid then legal aid will have to be provided to each and every person who states so. Hence, this Court shall be apprised by the learned Legal Aid

Department as to what is the criteria for giving legal aid to litigants and on what basis Legal Aid is given to persons. In so far as women, victims and senior citizens are concerned, Legal Aid Counsels are appointed and law provides for the same. The reason why I am impelled to pass this order is because when legal aid is provided to any person who is entitled to the same, all professional fees of the Advocate who appears for such a person are required to be paid from the State's Exchequer and therefore, this Court would like to know the criteria for giving legal aid to persons.

15. In the present case, it is seen that the Petitioner is residing in New Delhi with his family and claims that he is also undertaking psychiatric treatment over there which is seen from the emails which are addressed and placed before the Court. This court would like to know whether any investigation has been done by the Legal Aid Department regarding Petitioner's financial status and whether the Tahsildar has certified about his annual income which is the norm usually considered before granting and extending legal aid to the Petitioner. Appropriate report be placed before the Court on the next date so that there is no ambiguity on this aspect as well.

16. Copy of this order shall be forwarded to the Secretary of Legal Aid Department by the Advocate for the Petitioner.

17. Stand over to **18th November 2026**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.10.31 12:39:34 +0530