



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. _____ OF 2026

(@ SPECIAL LEAVE PETITION (CRIMINAL) No.15785/2026)

MITESHGIRI @ MULRAJGIRI APPELLANT(S)
SEVAGIRI GOSWAMI & ANR.

VERSUS

THE STATE OF GUJARAT RESPONDENT(S)

O R D E R

1. Leave granted.
2. We have heard learned counsel for the parties.
3. The two appellants before us are husband and wife. While appellant No.1 was a Principal in Shri Secondary School, Vekaria, appellant No.2 was the President of the governing body of the said school.
4. Allegation against the appellants is that of tampering with the service record of the first appellant to change the date of birth from 19.06.1964 to 19.06.1965 thereby resulting in change in his date of retirement. Further allegation is that because of such change in dates, appellant No.1 has made unlawful gain at the cost

of the public exchequer. In this connection, a First Information Report (FIR) was registered being CR No.11203070250475 of 2025 with the Visavadar Police Station, District Junagarh under Sections 316(5), 336(2), 336(3), 340(2) and 61(2)(a) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

5. Application for anticipatory bail filed by the appellants was rejected by the High Court of Gujarat at Ahmedabad (briefly the 'High Court' hereinafter) *vide* the order dated 16.06.2026.

6. This Court by order dated 25.08.2026 had issued notice and passed an interim order to the effect that appellant should not be arrested in connection with the aforesaid case subject to them cooperating with the investigation.

7. Pursuant to such order, State of Gujarat has filed affidavit which we have perused.

8. Considering the nature of allegation against the appellants which are all based on documents, we are of the view that custodial interrogation of the appellants is not necessary. That apart, appellant No.1 is a senior citizen having retired as Principal of the school.

9. However, our attention has been drawn to paragraph 11 of the impugned order of the High Court dated 16.06.2026 which reads thus:

11. In view of the above decision and
in view of the facts and circumstances of

this case, custodial interrogation of not only the applicant, but all other suspect/s is therefore imperative to unearth the truth. Hence, this is not a fit case to exercise the jurisdiction in favour of the applicant.

10. We are of the firm view that it is not for the High Court to suggest any form of interrogation of an accused. This should be best left to the discretion of the investigating agency. By such sweeping observation that custodial interrogation of not only the applicant but all other suspects is imperative, the rights of other 'suspects' have been jeopardized. The High Court should avoid making such unnecessary observations.

11. Consequently, we set aside the impugned order of the High Court dated 16.06.2026 and make our order dated 25.08.2026 absolute with the further direction that appellants shall continue to cooperate with the investigation.

12. Appeal is accordingly allowed.

13. Pending application(s), if any, shall stand disposed of.

.....J.

(UJJAL BHUYAN)

.....J.

(ATUL S. CHANDURKAR)

NEW DELHI;
September 30th, 2026.
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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 for Special Leave to Appeal (Crl.) No. 15785/2026

[Arising out of impugned final judgment and order dated 16-06-2026 in CRLMA(AB) No. 22746/2025 passed by the High Court of Gujarat at Ahmedabad]

MITESHGIRI @ MULRAJGIRI SEVAGIRI GOSWAMI & ANR. Petitioner(s)

VERSUS

THE STATE OF GUJARAT Respondent(s)

FOR ADMISSION

IA No. 254040/2026 - EXEMPTION FROM FILING O.T.

Date : 30-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN

HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. Hemal Kiritkumar Sheth, AOR
 Mr. Vicky B. Mehta, Adv.
 Mr. Suraj Singh, Adv.

For Respondent(s) :Ms. Deepanwita Priyanka, Adv.
 Ms. Swati Ghildiyal, AOR
 Mr. Adarsh Dubey, Adv.

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

1. Leave granted.
2. Appeal is allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(IRAMNAZ)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)

(signed order is placed on the file)