



HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 450 of 2025

Sangeeta Gupta

.....Petitioner(s)

Versus

State of U.P. and 4 others

.....Respondent(s)

Counsel for Petitioner(s)	: Ajay Kumar Srivastava, Ashraf Ali, Byas Kumar Prasad
Counsel for Respondent(s)	: C.S.C., Nipun Singh, Parijat Srivastava

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

**In Re: Criminal Misc. Application No. Nil of 2025 under Section
379 of BNSS**

1. Heard learned counsel for the parties.
2. This petition in purported public interest has been filed by one Sangeeta Gupta through Mr. Ashraf Ali, Advocate, *inter alia* with a prayer to direct the authorities concerned to rectify illegalities in appointment of the present Manager, Tamkuhiraj Education Society as well as Fateh Memorial Inter College, Tamkuhi, District Kushinagar by way of an arbitrary and illegal election said to be held in contravention to the mandate of Section 16(A)(5) of the Intermediate Education Act, 1921.
3. While this Court, at this stage, is not dealing with the subject matter of the petition, it proceeds to consider the application under Section 379 of BNSS, which has been filed by respondent no. 5 with a prayer to prosecute the petitioner for filing false affidavit before this

Court. The occasion to file the application arose in light of proceedings held in this matter on various dates and a detailed order was passed by this Court on 13.11.2025, which contains all relevant facts and previous orders. For a ready reference, the said order is being reproduced as under:

“In Re: Criminal Misc. Application No. Nil of 2025 under Section 379 of BNSS

1. This application has been filed by respondent no. 5 with a prayer to prosecute the petitioner (Sangeeta Gupta) under Section 379 of BNSS for filing false affidavit before this Court in the present petition. The application is supported by affidavit of son of the Manager of the respondent-Institution, namely, Fateh Memorial Inter College Tamkuhi, District Kushinagar, stating that the petitioner, while filing an application for withdrawal of the present petition, forged signatures of Shri Parijat Srivastava, Advocate as a counsel for respondent no. 5, fraudulently showing the receipt of copy of the withdrawal application by him. It is further stated that Shri Ashraf Ali, counsel for the petitioner, is a fictitious identity created by Shri Amit Pratap Singh ('A.P. Singh'), Advocate and even the ID of the said advocate is used for filing fraudulent cases.

2. Serious allegations have been levelled in the affidavit against the petitioner-Sangeeta Gupta, A.P. Singh as well as Ashraf Ali Advocates that all the three persons, in collusion with each other, keep on filing frivolous petitions; that both A.P. Singh and Ashraf Ali depict their same residential address as well as phone number; that Ashraf Ali is a fictional identity created for nefarious designs of A.P. Singh; that the latter and respondent no. 5 are contesting a civil dispute covered by Original Suit No. 25 of 2021 pending before the Civil Judge (Junior Division), Kasia, Kushinagar; that this Court declined to entertain Writ-C No. 10797 of 2023 (Parasuram Singh Vs. State of U.P. and 3 others) on account of pending civil proceedings between the parties and reference to certain orders passed in civil suit as well as in other matters, including a petition under Article 227 of the Constitution, has also been made. It is further stated that A.P. Singh has a history of various criminal cases and he is in hands in gloves with unscrupulous elements causing all nuisance in the managerial activities qua the Institution.

3. It is further stated in the affidavit that Ashraf Ali, counsel for the petitioner, avoided appearance in the proceedings of present petition and despite various orders passed by this Court, the petitioner also failed to appear and only A.P. Singh appeared through video conferencing mode claiming himself to be Ashraf Ali. Screenshots of various status reports qua several cases filed by

A.P. Singh have been annexed wherein he is represented either by Ashraf Ali, Advocate or by Sangeeta Gupta (the present petitioner). Further, a list of various petitions filed in purported public interest, either by Sangeeta Gupta or by Ashraf Ali or by A.P. Singh has also been annexed as Annexure No. 2 to the affidavit.

4. An objection has been filed by the petitioner against the application stating therein that the petitioner herself had provided copy of the withdrawal application to Mr. Parijat Srivastava, counsel for respondent no. 5 and he had himself received the same; that the respondent no. 5 is producing himself as king, while in democracy, all the kingships have been abolished at the time of freedom/independence and that the present PIL has been filed challenging election of the Committee of Management held in the year 2023.

5. Rejoinder affidavit has been filed on behalf of respondent no. 5 stating that the petitioner and A.P. Singh have filed various cases in the name of petitioner's mother, namely, Chinta Devi, wherein Ashraf Ali, Sangeeta Gupta and A.P. Singh are Advocates; A.P. Singh uses the mobile number of Ashraf Ali, i.e. 9793149321, registered with the Advocate on Roll of Ashraf Ali and the profile picture affixed on the mobile number is also of A.P. Singh only. It is further stated that in pursuance of the order dated 31.07.2025 passed in the present petition, copy of the present application was received under the signature of Ashraf Ali, which signatures are distinct from the signatures put on the order sheet of the present PIL by the person alleging himself to be Ashraf Ali.

6. As regards Mr. Parijat Srivastava, it is stated in the rejoinder affidavit that he had never even met Ms. Sangeeta Gupta (the petitioner) either before filing of PIL or thereafter and, therefore, there was no occasion for him to receive copy of withdrawal application and that signatures of Parijat Srivastava, Advocate have been forged and fabricated. Reference to the signatures made by him on Vakalatnama in these proceedings has been made in this regard.

7. A copy of the Delivery Run Sheet issued by Trackon Couriers Pvt. Ltd. has also been annexed as Annexure No. RA-3 to the rejoinder affidavit with a stand that signatures of Ashraf Ali put on 12.08.2025 as a person receiving the copy of the application through courier are distinct from the signatures on record of these proceedings. A list of dozens of writ petitions has been annexed as Annexure No. RA-1 to the rejoinder affidavit in many of which cases, either the petitioner is represented by A.P. Singh and/or Ashraf Ali, Advocates or Ashraf Ali is represented by A.P. Singh or A.P. Singh is represented by Ashraf Ali or by Sangeeta Gupta, Advocate (the petitioner).

8. Learned counsel for the applicant-respondent no. 5 has made submissions in consonance with the stand taken in the affidavit supporting application as well as the rejoinder affidavit and it is vehemently argued that the petitioner, who herself is an Advocate, alongwith A.P. Singh and Ashraf Ali, Advocates are committing gross abuse of the process of Court by launching and defending proceedings by fabrication and not only impersonated appearances are being made before this Court, either by physical mode or through video conferencing, but also signatures on the documents produced before this Court as well as those made on the order sheet of the present case are forged, fabricated and result of impersonation and, therefore, the petitioner be prosecuted.

9. The petitioner, who appeared in person, and A.P. Singh and Ashraf Ali, Advocates, who also appeared before this Court, have made submissions that since an application for withdrawal has been filed by the petitioner, the petition be dismissed as withdrawn and the allegations of fake identity of Ashraf Ali are not correct, inasmuch as both A.P. Singh and Ashraf Ali are present before the Court with proof of their identity. As regards same mobile number or same residential address of A.P. Singh and Ashraf Ali, submission has been made that both reside in the same house and there is a relationship of landlord-tenant between the two.

10. We have heard Shri Nipun Singh, learned counsel for the applicant-respondent no. 5, Ms. Sangeeta Singh (the petitioner in person) and also Shri A.P. Singh and Shri Ashraf Ali, Advocates and have perused the material available on record.

11. Since we are not deciding the petition at this stage, it is not necessary to enter into the factual controversy involved in the matter, however, in order to proceed to decide the application under Section 379 of BNSS, certain facts and proceedings need elaboration.

12. On various dates fixed in this petition, allegations were levelled on behalf of respondent no. 5 regarding abuse of the process of law being committed either by the petitioner or by A.P. Singh and/or Ashraf Ali, Advocates, as noted above. Certain orders passed by this Court taking note of the submissions made, need reproduction as under:-

“1. The matter taken up in revised call.

2. Learned counsel for the petitioner is not present.

3. Sri Nipun Singh, learned counsel appears on behalf of respondent no. 5. He submits that the instant petition is wholly motivated and abuse of process of law. **He further submits that petitioner is filing a number of petitions before this Court and thereafter withdrawing the same. A number of such orders have been placed before us.**

4. As counsel for the petitioner is not present, adjourned to 20.03.2025 as a fresh case.

5. Sri Nipun Singh, learned counsel for the respondent, undertakes to communicate the instant order to counsel for the petitioner in writing.

Order Date :- 19.3.2025

(emphasis by us)

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1. Sri Ashraf Ali, Advocate has joined through VC-link. He states that right now he is in Delhi and would argue the case on Monday. On that date, he will be in Prayagraj.

2. Accordingly, adjourned to 24.03.2025 as a fresh case.

Order Date :- 20.3.2025

(emphasis by us)

.....

1. Issue notice of the application filed by the respondent No. 5 to Sangeeta Gupta.

2. On 19.03.2025, 20.03.2025 & 24.03.2025, orders were passed by the Court pertaining to the appearance of the counsel for the petitioner, however, none was present and now an application has been filed seeking withdrawal of the writ petition.

3. Looking to the nature of the allegations made in the application filed under Section 340 Cr.P.C., a notice be issued to the counsel for the petitioner also to remain present in person before this Court on the next date by the Registry.

4. Qua the application under Section 340 Cr.P.C., requisite notices would be filed by respondent no. 5.

5. List the petition on 20.08.2025 as fresh.

6. Copy of the order may also be served on the petitioner and counsel for the petitioner.

Order Date :- 31.7.2025

(emphasis by us)

.....

1. Ms. Sangeeta Gupta (present in person) has been identified by her Advocate, Mr. Ashraf Ali.

2. Shri Nipun Singh, learned counsel appearing on behalf of respondent no.5 states that on the previous date, some other person appeared and he stated that he is Ashraf Ali and,

now, a different person is appearing, claiming himself to be **Ashraf Ali**.

3. The petitioner, who appears in person, is granted one week's time to file reply on oath in response to application under Section 340 Cr.P.C. and also in relation to the stand taken by respondent no.5 and as recorded in the previous orders of this court.

4. **The counsel, who is appearing alongwith the petitioner and claiming himself to be Ashraf Ali, is required to put his signatures before the Bench Secretary on the order-sheet.**

5. List as fresh on 27.08.2025.

6. **As stated by the petitioner herself, she will remain present in person on the next date alongwith Mr. Ashraf Ali, Advocate.**

Order Date :- 20.8.2025

(emphasis by us)

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1. On application filed by respondent No. 5 under Section 340, Cr.P.C., an objection/reply has been filed by the petitioner. **Qua the counsel for the petitioner, Mr. Ashraf Ali, it is stated that he is not available today.**

2. Counsel for respondent No. 5 prays for time to file rejoinder affidavit to the said reply.

3. Time prayed for is allowed.

4. List the petition on 16.09.2025, as fresh.

5. **On that date, the petitioner as well as counsel for the petitioner, Mr. Ashraf Ali, will remain present before the Court.**

August 27, 2025

(emphasis by us)

13. On 20.08.2025, this Court required the person appearing before it and claiming himself to be Ashraf Ali, to put his signatures on the order sheet before the Bench Secretary and direction was issued that on the next date, the petitioner shall remain present along with Mr. Ashraf Ali, Advocate. Signatures of '**Ashraf Ali**' or claiming to be Ashraf Ali were made in the margin of order sheet on 20.08.2025 as counsel for the petitioner. The said signatures are apparently different from the signatures put as '**A. Ali**' on the writ petition as well as withdrawal application. Even on Annexure No. RA-3 attached to the rejoinder affidavit, different signatures of Ashraf Ali signed as '**Ashraf**' appear.

14. On 22.09.2025, a direction was issued by this Court to Registrar (Civil-A) to indicate the subject matter of all the cases indicated in Annexure-2 to the Application under Section 340 CrPC (Section 379 of BNSS), as having been filed by Sangeeta Gupta, Ashraf Ali and A.P. Singh, all PILs, majority of which have been withdrawn as also to produce copies of the orders passed in the said matters along with the subject matter.

15. In pursuance of the above directions, Registrar (Civil-A1) of this Court has submitted a detailed report, however, at this stage of proceedings, it is not necessary to enter into those details, nevertheless it is suffice to mention that 23 petitions have been filed in the nature of Public Interest Litigation, either by Sangeeta Gupta wherein Ashraf Ali and/or A.P. Singh is counsel for Sangeeta Gupta or by Ashraf Ali showing A.P. Singh as counsel for Ashraf Ali and some petitions have been filed by A.P. Singh in person.

16. While the decision on merits of the present petition as well as on the aspect of commission of abuse of the process of law is being deferred at this stage, we are, by focusing only on the merits of the application under Section 379 of BNSS, prima facie, satisfied that the signatures of Ashraf Ali as counsel for the petitioner (Sangeeta Gupta) are differently put on different documents in these proceedings and considering the allegations of impersonation, forgery, fabrication and identity of the persons involved or appearing in these proceedings, we deem it appropriate to direct examination of signatures of Ashraf Ali by referring the matter to **Forensic Science Laboratory, Lucknow ('FSL')** and further orders shall be passed after receiving report from the said FSL.

17. Accordingly, **following directions** are issued:-

(i) Learned counsel for respondent no. 5 shall provide original of Annexure No. RA-3 to the rejoinder affidavit dated 16.09.2025 to the Registrar General of this Court, within a period of **one week** from today.

(ii) On receipt of the original of Annexure No. RA-3, the Registrar General shall send **following documents, in original**, to the FSL, Lucknow within next one week, after retaining their photostat copies on record:-

(a) Original writ petition;

(b) Original Civil Misc. Withdrawal Application No. 03 of 2025; and

(c) Original page of the order sheet indicating office report dated 19.08.2025 on which alleged signatures of Ashraf Ali have been put on 20.08.2025.

(d) Original Vakalatnama dated 18.03.2025 signed by Shri Parijat Srivastava, Advocate for respondent no. 5.

(iii) The Registrar General shall require the FSL to scientifically compare and verify the signatures of 'Ashraf Ali'/'A. Ali' put on the petition, withdrawal application, part of the order sheet containing office report dated 19.08.2025, in the margin whereof such signatures have been made on 20.08.2025 and on Annexure No. RA-3, i.e. original of Delivery Run Sheet issued by Trackon Couriers Pvt. Ltd.

(iv) Registrar General shall require the FSL to send a clear report within a period of one month from the date the FSL receives the documents, indicating as to whether signatures on all the above documents have been made by one and the same person or not and as to whether signatures of Shri Parijat Srivastava, as endorsed in the margin of page no. 1 of the withdrawal application and those made on Vakalatanma dated 18.03.2025, have been made by one and the same person.

18. The report shall be submitted by FSL in a sealed cover and the same shall be placed on record of this petition before the date fixed.

19. List the petition on 06.01.2026, as fresh.”

4. Pursuant to the above-referred order dated 13.11.2025, Forensic Science Laboratory, Lucknow (FSL) sent a communication dated 28.11.2025, based upon which following order was passed on 06.01.2026:

“1. Pursuant to the order passed by the Court dated 13.11.2025, Forensic Science Laboratory has sent a report dated 28.11.2025 inter-alia giving prima-facie opinion pertaining to the signatures on various documents. However, the Laboratory has required sample signatures from the specific authors i.e. Mr. Ashraf Ali and Mr. Parijat Srivastava for the purpose of giving a definitive opinion. The report is taken on record.

2. Counsel Mr. Ashraf Ali and Mr. Parijat Srivastava are directed to remain present before the Court on 29.01.2026 for the purpose of doing the needful in terms of the requirement indicated by the Forensic Science Laboratory.

3. List the petition on 29.01.2026, as fresh.”

5. Thereafter, on 29.01.2026, Registrar (Selection & Appointment) was directed to do the needful in terms of the requirements indicated by FSL in its communication dated 28.11.2025 and following order was passed:

“1. Pursuant to the order dated 06.01.2026, Mr. Ashraf Ali and Mr. Parijat Srivastava are present before this Court, they are directed to present themselves before Registrar (Selection & Appointment) at 02.00 P.M. on 30.01.2026.

2. The Registrar (Selection & Appointment) is directed to do the needful in terms of the requirements indicated by the Forensic Science Laboratory ('FSL') in its communication dated 28.11.2025 regarding obtaining the signatures of both the persons on the forms sent by the FSL.

3. On doing the needful, the said specimen signatures of the said two persons along with the documents, which were sent earlier, be sent to the FSL for the purpose of doing the needful in terms of the direction dated 13.11.2025 passed by this Court.

4. List the petition on 10.03.2026, as fresh.”

6. Thereafter, FSL report dated 25.02.2026 alongwith reasons was received by the Office of this Court in a sealed cover that was opened in Court on 10.03.2026 and following order was passed:

“1. Pursuant to the order dated 29.01.2026, the FSL Report dated 25.02.2026 along with reasons has been received by the office in a sealed cover, the same has been opened and is taken on record.

2. Copy of the said report may be obtained by counsel for the petitioner and the persons involved and they may file their response to the said report by the next date.

3. List the petition on 16.04.2026, as fresh.”

7. On 14.05.2026, Mr. Ashraf Ali, Advocate filed his personal affidavit, which was taken on record and matter was fixed for 14.07.2026 (i.e. today). The FSL report dated 25.02.2026, in brief, records the following conclusions:

"परीक्षण परिणाम

उपरोक्त वर्णित सर्व प्रलेखों की परीक्षा इस प्रयोगशाला में विभिन्न वैज्ञानिक उपकरणों/ प्रकाश स्रोत के माध्यम से की गयी। परिणाम / मत निम्न है।

- (1). जिस व्यक्ति ने नमूना हस्ताक्षर चिह्नित S-1 से S-12 को लिखा है उसने विवादित हस्ताक्षर चिह्नित Q-1 को नहीं लिखा है।
- (2). जिस व्यक्ति ने नमूना हस्ताक्षर चिह्नित S-13 से S-24 को लिखा है उसने विवादित हस्ताक्षर चिह्नित Q-2 को नहीं लिखा है। 1
- (3). जिस व्यक्ति ने नमूना हस्ताक्षर चिह्नित S-25 से S-36 को लिखा है उसने विवादित हस्ताक्षर चिह्नित Q-3 से Q-16 को नहीं लिखा है।
- (4). जिस व्यक्ति ने नमूना हस्ताक्षर चिह्नित S-37 से S-48 को लिखा है उसी ने विवादित हस्ताक्षर चिह्नित Q-18, Q-19 को भी लिखा है।
- (5). जिस व्यक्ति ने नमूना हस्ताक्षर चिह्नित S-49 से S-60 को लिखा है उसने विवादित हस्ताक्षर चिह्नित Q-20 को नहीं लिखा है।
- (6). विवादित हस्ताक्षर चिह्नित Q-17 के सम्बन्ध में नमूना हस्ताक्षर चिह्नित S-37 से S-48 के प्रति निश्चित मत निर्धारित नहीं किया जा सका।"

8. As far as the explanation offered by Mr. Ashraf Ali, Advocate *qua* the report, in his personal affidavit dated 14.05.2026, it is stated as under:

"2. That as per the direction of this Hon'ble Court vide order dated 29.01.2026, the deponent appeared before the Registrar (Selection and Appointment) on 30.01.2026 and has made signature for sent signature for Forensic Science Laboratory.

The signature of the deponent was made on 36 pages marked as S-1 to S-12, S-13 to S-24, S-25 to S-36.

3. That the signature of the deponent has not match as per Forensic Science Laboratory Report by mentioning that the Signature made from S-1 to S-12 is not made by Q-1, S-12 to S-24 is not made by Q-2, and S-35 to S-16 is not made by Q3 to Q-16.

4. That it is important to mention before this Hon'ble Court that the signature made by deponent is not matching due to he is suffering from the Polyuria**Polydipsia**, due to which he is unable to made exact signature as made by earlier, therefore, his signature is not matching. A true copy of medical report is being filed herewith and marked as ANNEXURE NO.SA-1 to this Affidavit.

5. That deponent is facing problem of differ signature due to his disease and for that this Hon'ble Court graciously be pleased to excuse the deponent, so that justice be done."

9. Submissions have been made on behalf of Mr. Ashraf Ali that mismatch of signatures is on account of the physical ailment indicated in his affidavit whereas learned counsel for respondent no. 5 has made submissions that Mr. Ashraf Ali is guilty of playing fraud upon the Court by not only his act of forgery, manipulations and misdeeds with his associates, namely, Amit Pratap Singh, Advocate and petitioner Sangeeta Gupta but has gone to the extent of forging the signatures of Mr. Parijat Srivastava, counsel for the respondent no. 5, as indicated in the order dated 13.11.2025 and, therefore, appropriate orders may be passed.

10. Having heard learned counsel for the parties and having perused the record of proceedings, explanation offered by Ashraf Ali, Advocate coupled with findings recorded by FSL in its report, we are *prima facie* satisfied that Mr. Ashraf Ali, Advocate and petitioner Sangeeta Gupta have committed offence described in Section 215(1)(b) of BNSS and, therefore, the matter has to be tried by jurisdictional Magistrate at Prayagraj as per provisions contained under Section 379 BNSS and other allied provisions.

11. As the offence has been committed before this Court, a complaint is to be made in terms of Section 379(1)(b) of BNSS by this Court and it may be signed by such officer as this Court may appoint, as indicated in sub-section (3)(a) of Section 379 BNSS. For a ready reference, Section 379 BNSS is reproduced as under:

“379. Procedure in cases mentioned in section 215. (1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub-section (1) of section 215, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,---

(a) record a finding to that effect;

(b) make a complaint thereof in writing;

(c) send it to a Magistrate of the first class having jurisdiction;

(d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and

(e) bind over any person to appear and give evidence before such Magistrate.

(2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub-section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of section 215.

(3) **A complaint made under this section shall be signed,---**

(a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;

(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf.

(4) In this section, "Court" has the same meaning as in section 215."

12. In view of the above discussion and in terms of provisions of Chapter II Rule 1 (xvi) of Allahabad High Court Rules, 1952, read with section 379 BNSS, the present application under Section 379 BNSS stands **disposed of** with following directions:

(i) **Registrar (Selection & Appointment)** of this Court is authorized and directed to make a complaint in light of orders passed in this petition as well as observations made in this order, against the following persons:

(a) **Mr. Ashraf Ali, Advocate, (Enrollment No. A/A 0249/2022)** S/o Ahmad Hussain, resident of:-

(i) [REDACTED] No. [REDACTED], [REDACTED], District Kushinagar;

(ii) [REDACTED] F, [REDACTED], [REDACTED] U.P. 211006

(b) **Sangeeta Gupta (Petitioner)**, D/o Late Daya Shankar Gupta, resident of [REDACTED], [REDACTED], District Kushinagar.

(ii) **Registrar (Selection & Appointment)** shall, after signing the complaint, send it to jurisdictional Magistrate of First Class, Prayagraj and shall take all steps, as indicated in Chapter XXVIII of BNSS.

(iii) The aforesaid exercise shall be completed by **Registrar (Selection & Appointment)** within a period of **six weeks** from today.

(iv) **Registrar (Selection & Appointment)** shall be competent to get copy of FSL report and any other document forming part of the record of this petition and file the same before the jurisdictional Magistrate, as and when required.

(v) The jurisdictional Magistrate, Prayagraj shall, on receiving the complaint, proceed in accordance with law as per procedure prescribed in BNSS, 2023.

13. Since the very institution of proceedings of this petition is, *prima facie*, found a result of forgery/fabrication and misdeeds, the Court defers further consideration of the matter awaiting decision by the jurisdictional Magistrate on the complaint so made and it shall be open for the parties to move application for listing of this petition accordingly.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

July 14, 2026
Sazia