

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 3393/2021

Gauri Shankar Son Of Shri Buddha Lal Bohara, Aged About 46 Years, Resident Of 62, Patel Nagar, 200 Ft. Bye Pass, Ajmer Road, Jaipur (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Principal Secretary, Department Of Home, Government Of Rajasthan, Secretariat, Jaipur.
3. Principal Secretary, Department Of Personnel, Govt. Secretariat, Jaipur.
4. Deputy Commissioner Of Police, Jaipur (East), Jaipur Metropolitan, Jaipur.
5. Assistant Commissioner Of Police, Jaipur (East) Jaipur.

----Respondents

For Petitioner(s) : Mr. S.K. Gupta with
Mr. Namo Narayan Sharma through VC
For Respondent(s) : Mr. F.R. Meena, PP

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

30/06/2021

This criminal miscellaneous petition under Section 482 CrPC has been filed for expunging of the disparaging remarks made against the petitioner by the Court of learned Additional Sessions Judge No.2, Jaipur District, Jaipur while passing the judgment dated 18.11.2020 in Sessions Case No.14/2019 (11/2018).

Relying on the judgments of this Court in cases of **Kalyan Mal Sharma Vs. The Speical Judge and Ors.: 2006 (3) WLC 325**, **Vikram Singh Vs. State of Rajasthan and Ors. in S.B. Criminal Miscellaneous Peittion No.567/2018** decided on **07th March**

2019, Jitendra Singh Nirwan Vs. State of Rajasthan and Ors.
in **S.B. Criminal Miscellaneous Peittion No.3912/2019** decided
on **16th September 2019 & Kailash Chand Meena and Ors. Vs.**
State of Rajasthan and Anr. in **S.B. Criminal Miscellaneous**
Petition No.3531/2015 decided on **22nd July 2015**, learned
counsel submitted that the adverse remarks recorded against the
petitioner by the learned Sessions Court vide judgment dated
18.11.2020 deserves to be expunged for violation of the principles of
natural justice inasmuch as the same have been recorded without
affording any opportunity of hearing to him.

Learned Public Prosecutor submitted that appropriate order
may be passed in the facts and circumstances of the case.

Heard the learned counsels for the parties and perused the
record.

Undoubtedly, the disparaging remarks have been recorded
against the petitioner without affording him any opportunity of
hearing which, in view of the law laid down by this Court in catena of
judgments, deserves to be expunged. Therefore, this criminal
miscellaneous petition is allowed to the extent that disparaging
remarks recorded against the petitioner in the judgment dated
18.11.2020 are expunged. However, rest of the direction issued by
the learned trial Court in pursuance of dictum of the Hon'ble Apex
Court of India in case of **State of Gujarat vs. Kishanbhai and**
Ors.: (2014) 5 SCC 108 is maintained.

Accordingly, the criminal miscellaneous petition is allowed.

(MAHENDAR KUMAR GOYAL),J