



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

S.B. Criminal Miscellaneous (Petition) No. 3437/2023

Rujdar Khan S/o Jumma Khan,

----Petitioner

Versus

State Of Rajasthan

----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 8134/2022

Ikram Khan S/o Shree Subrati Khan,

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. A.K. Gupta, Sr. Advocate assisted by Mr. Saurabh Pratap Singh
For Respondent(s)	:	Mr. Prashant Sharma, PP Mr. Jiya Ur Rahman, Adv. Mr. Pradeep Sharma (Petitioner in S.B. Cr. Misc. Pet. No. 8134/2022)

HON'BLE MR. JUSTICE BIRENDRA KUMAR

Order

06/07/2023

Both these matters have been listed for the first time before any Bench.

In Cr. Misc. Petition No. 3437/2023, the accused petitioner has sought for quashment of FIR No. 179/2022 registered with Aravali Vihar Police Station, Distt. Alwar for offences under Sections 410, 181, 198, 199 and 200 IPC. An interlocutory application has been filed praying therein for stay of the investigation of the case arising out of the aforesaid FIR. Respondent No.2 Ikram Khan, who is informant of the case, has appeared suo moto and prayed for a copy of the petition as well



as Interim Application to file reply in this matter within two weeks. The petitioner is ready to supply the copies in course of the day.

Respondent No.2 has brought above S.B. Cr. Misc. Petition No. 8134/2022 for necessary direction for fair investigation of the same FIR.

The Court was of the view that both these matters would be finally heard and disposed of soon after filing the reply within two weeks. At this juncture, Mr. A.K. Gupta learned Senior Advocate appearing for the accused petitioner started insisting rather putting undue pressure on the Court to hear on the prayer for interim relief instantly, ignoring the right of respondent No.2 to have fair and reasonable opportunity to defend.

The Court requested the learned Senior counsel not to insist rather the matter would itself be finally disposed of soon after receipt of the reply of respondent No.2 on the date fixed. However, learned Senior Counsel started shouting that the matter must be heard at once. Learned Senior Counsel must be knowing that the heaven was not going to fall, as even after completion of investigation, prayer for quashing of FIR would survive and would be considered if ground/grounds for quashing of FIR is/are made out. However, learned Senior counsel chooses to pressurize the Judge by hooks and by crooks consistent with his past behaviour in other court rooms for instant hearing and order in favour of the petitioner before allowing the court to take up any other matter. The behaviour and action of the learned Senior counsel of intimidating a Judge sitting in court room not to act with judicial independence amounts to contempt of court. The action depicted



in open court room is unbecoming of an advocate what to talk of a senior advocate.

However, the Court maintains utmost restraint in not initiating contempt proceedings against Senior Advocate Mr. A.K. Gupta to give him one more opportunity to improve and mend himself to maintain the dignity of the Court room and to ensure independence of judicial system.

The Registry is directed not to list any matter wherein Mr. A.K. Gupta is appearing for the petitioner before this Bench.

Let this mater be placed before another bench after obtaining orders of Hon'ble the Chief Justice.

(BIRENDRA KUMAR),J

BRIJ MOHAN GANDHI /77/184-185