

2023 LiveLaw (SC) 458

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
A.S. BOPANNA; J., PANKAJ MITHAL; J.
MAY 19, 2023

CRIMINAL APPEAL NO. 1616 OF 2023 (@ SLP (CRL) No.3029 of 2022)
ASHVINI VIJAY SHIRIYANNAVAR *versus* THE STATE OF KARNATAKA & ORS.

Judicial Service - Adverse observations against Judicial Officers - Orders making adverse observations with regard to the manner in which a judicial officer has exercised discretion in any matter should not be made without opportunity to the person concerned whose career and esteem will be affected.

(Arising out of impugned final judgment and order dated 04-02-2022 in CRLP No. 4234/2021 passed by the High Court of Karnataka at Bengaluru)

For Petitioner(s) Mr. Basavaprabhu S. Patil, Sr. Adv. Mr. Anirudh Sanganeria, AOR Mr. Samarth Kashyap, Adv.

For Respondent(s) Mr. Sabarish Subramanian, AOR Mr. Vishnu Unnikrishnan, Adv. Mr. Naman Dwivedi, Adv. Mr. C Kranthi Kumar, Adv. Mr. Danish Saifi, Adv. Mr. Shubhranshu Padhi, AOR Mr. Vishal Banshal, Adv. Ms. Rajeshawari Shankar, Adv. Mr. Niroop Sukrithy, Adv. Mr. Jai Nirupam, Adv. Mr. Ashish Yadav, Adv.

ORDER

Leave granted.

The appellant is before this Court only insofar as the adverse observations made against the appellant herein and the ultimate direction issued in paragraphs 15(iii)&(iv) as against the appellant herein.

Having heard learned senior counsel for the appellant as also learned counsel for the State, we note that the High Court while disposing of criminal petition through its order dated 04.02.2022 wherein the issue relating to cancellation of bail granted to the accused had arisen, the High Court has made certain observations with regard to the manner in which the appellant who is a judicial officer has exercised her discretion. It is in that light the High Court has made the observations in paragraph -14 of the order and has arrived at the conclusion that the Registry is required to obtain orders from Hon'ble the Chief Justice and post the appellant-Judicial Officer in the Judicial Academy for training. Such observation and direction in our opinion is not justified.

This Court has been repeatedly indicating that such orders should not be made without opportunity to the person concerned whose career and esteem will be effected. In that view of the matter without adverting to any other aspect, we set aside the direction contained in paragraphs 15(iii) & (iv) of the order dated 04.02.2022. The observations against the appellant herein as contained in paragraph 14 is also expunged.

In terms of the above, the appeal insofar as the appellant herein is concerned, stands allowed.