

**2022 LiveLaw (SC) 985**

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**SANJAY KISHAN KAUL; J., ABHAY S. OKA; J.**

NOVEMBER 21, 2022

CRIMINAL APPEAL NO.2019/2022 [ @ SLP [CRL.] NO.11165 /2022] [ @ DIARY NO.35353/2022]

**SARITA SWAMI *versus* THE STATE OF RAJASTHAN**

**Practice and Procedure - Adverse remarks made by Rajasthan HC against a Sessions Judge set aside - The observations are not called for in the given scenario and in fact it is such an approach which discourages the trial Courts in granting bail resulting in huge volume of litigation before the High Court and this Court.**

(Arising out of impugned final judgment and order dated 14-07-2022 in SBCRBCA No. 51/2020 passed by the High Court of Judicature for Rajasthan at Jaipur)

*For Petitioner(s) Mr. Abhishek Gupta, AOR Mr. Nikhil Kumar Singh, Adv.*

**ORDER**

Leave granted.

We have heard learned counsel for the appellant, a judicial officer.

The bail application was decided by the judicial officer arising from the FIR No.203/2020 for offence under Section 302 of the IPC.

The High Court noted that the charge sheet against the accused under Section 304, IPC had not been filed though it was observed that that was the position, on the basis of the case diary. The Court, while cancelling the bail, has made some observations against the learned Judge who is the appellant before us.

In our view, the observations are not called for in the given scenario and in fact it is such an approach which discourages the trial Courts in granting bail resulting in huge volume of litigation before the High Court and this Court.

We thus, have no hesitation in setting aside the observations made against the appellant and consequently, even the directions contained in the impugned order against the appellant are set aside.

The appeal is accordingly allowed leaving parties to bear their own costs.

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