

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 996 of 2020**

DHARMESH JIVANLAL GURJAR

Versus

STATE OF GUJARAT

Appearance:

HARSH V GAJJAR(7828) for the Applicant(s) No. 1

for the Respondent(s) No. 2

PUBLIC PROSECUTOR for the Respondent(s) No. 1

**CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT****Date : 13/12/2023****ORAL ORDER**

1. Pursuant to the earlier orders dated 26.10.2023, 1.11.2023, 8.11.2023 and 7.12.2023, it transpires that the Registrar General, Registrar (Vigilance) & Registrar (SCMS & ICT) and Registrar (Judicial) have made detailed searching inquiry in the matter. They have tried to find out the truth that as to how, when the matter is fixed by this Court on 25.10.2023, the matter is listed at serial number 200 in final hearing board instead of listing it in admission board. All these aspects are recorded in the earlier order and it was coming from the record that on 21.10.2023, by using the id and password of Court Master Mr.Barot, the status of the matter is changed from one table of the Civil Board Department on 21.10.2023 around 1.30 p.m.

2. From the report of the Registry, it transpires that there is no dispute in that regard that somebody has deliberately played mischief with a clear intention to list this matter in the final hearing board instead of admission board as the Court, on earlier occasion on 9.10.2023 has indicated that the Court will pass some stringent order in the matter. Therefore, the petitioner who is practicing advocate is also under the scanner as he and other advocates of his near circle are known for indulging in such practice, more particularly, in the DRT, of playing with the process of the legal proceeding and also playing mischief by indulging in unfair practice. Therefore, when the matter is not listed on the board of 25.10.2023 before this Court, this Court inquired with the Court Master and the Court Master, in-turn inquired from the department and it is found that the matter is listed at serial number 200 and that is also allotted to the Court of coordinate Bench of this Court (Coram: Hon'ble Mr.Justice A.Y.Kogje) as the final hearing board was listed there on that particular date. This Court clearly indicates that the attempt was made to interfere with the administration of justice. This activity cannot be tolerated, more particularly, in the Registry of the highest Court of the State. Such unscrupulous persons should be taken to task. However, due to lack of proper installation of the cameras, more particularly, in the departments which covers each table

and each corner of the Registry, the conclusive material could not be collected.

3. Along with the report of the Registrar General, the shocking aspect is brought to the notice of this Court that earlier in LPA No.2111 of 2009, the coordinate Bench of this Court (Coram : Hon'ble Mr.Justice M.R.Shah (as His Lordship then was) and Hon'ble Mr.Justice A.S.Supehia has directed as under, on 7.10.2016:

*“..... Registry is directed to see that no such incident takes place in future and Registrar General and Registrar (Judicial) are hereby directed to see that all precautionary measures are taken to see that no papers of judicial proceedings are missing from the Department.”*

4. Thereafter, pursuant to the said order, the matter is forwarded to the Hon'ble the Chief Justice and the Hon'ble the Chief Justice has granted permission for installation of Close Circuit Television Cameras (CCTVs) strategically in all the judicial departments of the Registry to track movement of people going towards and coming out of storage area and to ensure safety of judicial proceedings. Thereafter, the decision was also taken in the Chamber Meeting on 22.11.2016 to

this effect. It further transpires that thereafter on 15.4.2023, the Section Officer of the judicial administrative branch has forwarded communication dated 15.4.2023 to the Additional Secretary to the Hon'ble the Chief Justice for supplying necessary documents and by requesting him to make necessary arrangement to expedite the installation of close circuit television cameras in the judicial departments including newly allotted department functioning in the old GP building. In turn, it transpires from the record that on 19.4.2023, the Additional Secretary to the Hon'ble the Chief Justice, has, after getting approval from the Hon'ble the Chief Justice, forwarded note with necessary documents to the Registrar (SCMS & ICT) with a specific mention about the purchase, supply, installation, commissioning, operation and maintenance of IP based CCTV Camera Surveillance System for the purpose of security, monitoring and recording in the judicial departments including newly allotted departments functional from the old GP building as also at various locations where there is no reach of the existing CCTV camera surveillance system within the campus of the Gujarat High Court at Sola, Ahmedabad. However, reasons best known to the Registrar (SCMS & ICT), it transpires that no further development has taken place though the matter is having such urgency and seriousness, that too, inspite of the specific approval given by the Hon'ble the

Chief Justice, for almost about eight months i.e. till today. This is very disturbing state of affairs on the side of the administration of the High Court. Therefore, if such cameras would have been installed in the building, more particularly, in the civil board then the real culprit would have been immediately identified and could have been booked.

5. In the present case, there are several suspects identified during the course of inquiry but there is no conclusive material available which can undoubtedly establish that the said person or persons have played mischief which is narrated earlier in this order.

6. This is very shocking that though this Court has passed earlier order on 8.11.2023 to do needful for the installation of CCTV cameras, from the report of the Registrar, it transpires that no further progress is made in this direction even after such incident has taken place. This situation cannot be tolerated and continued any further. Therefore, let the Registrar General, with the help of Registrar (SCMS & ICT), Registrar (Vigilance) and Registrar (Judicial) do needful in the matter by also coordinating with the Additional Secretary to the Hon'ble the Chief Justice, who is in-charge of CCTV cameras to expedite the process of installation of cameras in each corner of the Registry

strategically covering every table and in functional mode and also if required the cameras can be installed in the Court rooms also as stated by the Registrars. Such exercise now should be expedited in view of the earlier decision taken in the chamber meeting of this Court as well as the order passed by the coordinate Bench, as stated earlier in the order and shall implement the same as expeditiously as possible, but not later than 15.1.2024. Let the Registry do the needful from today onwards and expedite the procedure, otherwise this Court may have to observe regarding such lack luster approach which causes such harm in the administration of the Registry as well as for deciding such issue about the involvement of the such persons in playing mischief.

7. Though learned advocate Mr.Gajjar at the relevant point of time has prayed for withdrawal of this petition and the Court is otherwise also not inclined to grant any prayer and the petition is required to be dismissed but with a view to see that the things which have cropped up during the course of hearing of the present matter and with a view to ensure compliance from the Registry, the matter is required to be kept pending and therefore the matter is not disposed off today though the fate of the matter is decided.

8. Another aspect is that pursuant to the earlier order, the Bar Council of Gujarat has initiated some action against the petitioner and initially it was stated before this Court that the petitioner, who is advocate, is suspended for six months and disciplinary proceedings are initiated. Let the periodical compliance report, as directed in the earlier order, at interval of every three months be furnished by the Bar Council of Gujarat to the Registrar General, who in turn, will bring such report to the notice of this Court.

9. Pursuant to the direction given to the DRT to take corrective measures, the Presiding Officer DRT has also submitted report through the Registrar of the DRT and he has stated the action taken pursuant to the improvement of administration of justice. It is expected that not only the DRT, even the lower courts, any labour court or NCLT or any Tribunal which are working in the State of Gujarat must see that if any person is indulging in malpractice or any improper practice, then it is the duty of the Presiding Officer of that particular Tribunal or Court to prevent such practice, otherwise it can be inferred that such Presiding Officer is also approving such practice and the allegation of connivance of that officer can be also made by the common litigants, which situation is required to be avoided.

10. Considering the report which is received from the Registry, let the Registry take further call in the matter by trying to find out the truth about the actual role played in the mischief committed on 9.10.2023. Prima facie, the inquiry carried out by the Registry is found satisfactory and is taken on record which is kept in the separate cover in safe custody of this Court until the dismissal of this petition.

11. Re-list this matter on 18.1.2024 for further consideration.

**(SANDEEP N. BHATT,J)**

SRILATHA