

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 : 08/11/2023****ORAL ORDER**

1. Pursuant to the earlier order passed by this Court, learned advocate Mr.Saurabh Mehta has filed affidavit in compliance of the order dated 1.11.2023, on behalf of Bar Council of Gujarat, which is taken on record and kept with the reports submitted by the Registry as well as the DRT in sealed cover, till the disposal of this petition.

2. Learned advocate Mr.Mehta has also indicated that the Bar Council of Gujarat has initiated action pursuant to the order passed by this Court and also assured that Bar Council will look into such matters where, prima facie, it is found that there is some professional misconduct committed by the learned advocate, then Bar Council will take appropriate action, and even in certain case, suo motu.

3. He has further submitted that since the Bar Council has also taken cognizance about some mischief played with the record of the Registry at the relevant point of time i.e. between 9.10.2023 to 25.10.2023, in case of need, cooperation may be extended by the Registry of the High Court to the Bar Council, by giving necessary details. Registry is directed to cooperate with the Bar Council in case of need by providing necessary details. At the same time, Bar Council is also expected to cooperate with the Registry in case of need, in the further inquiry of the matter.

4. The Presiding Officer of DRT has tendered copy of the report which is signed by the Registrar In-charge, DRT-I and Registrar In-charge DRT II giving the details of the efforts put-in after the charge is taken by the Presiding Officer of DRT-I Mr.Anilkumar Gupta on 2.8.2022 and Presiding Officer, Mr.Laxman Madnani DRT-II on 26.2.2020 and they have clarified that they have taken charge after the incident involved in the present matter had taken place and therefore they have prayed to expunge the remarks made in paragraph 12 of the order passed by this Court on 26.10.2023. Considering the report received from the DRT, the efforts made by the Presiding Officer is appreciated but such efforts are part of the duty of the Presiding Officer with a

view to see that the process of administration of justice is not jeopardized in any manner.

5. The remarks made in the earlier order dated 26.10.2023 is not against any individual but against some of the erring personnel of the Registry and some of the erring advocates who are continuously involved in such activities by claiming their proximity with the Presiding Officer and Recovery Officer of the DRT and also on the part of some officers of the bank who are deputed by the bank to oversee the work of the recovery, instead of that, they are also joining hands with such unethical practice adopted by some lawyers. Such practice is required to be stopped in the DRT. As per the report, it transpires that they are trying to take action in this direction, however, such action is required to be taken continuously and therefore at present, the observation made in the order is not required to be expunged as there are no personal remarks against any officer but whatever is transpired from the record of this matter and also considering some subsequent events that happened in the DRT as well as considering that this litigation has reached to this High Court, the remarks is not required to be expunged at this stage by clarifying that it is not against any individual person but against persons who are indulging in such activities which are indicated in the above portion of

this order.

6. Now, considering the report received from the Registry, the Registry is seeking further time to complete the inquiry as the Registry has recorded the statements of some of the employees of this Court and also willing to scrutinize the call details of such employees as well as other suspected persons including learned advocates and clerks of advocates and other individual to whom such act can be attributed for playing mischief with the record of the Registry on 21.10.2023. Let the Registry may carry out further inquiry as directed in the earlier order and collect necessary material with a view to reach to a logical conclusion. The Registry shall also take care that no innocent person is punished and persons who actually played some mischief should not be spared, as such incident is also alarming and should be a cause of concern for the legal fraternity as well as the Judiciary. It is expected that not only in the High Court but in every Court in the State whether it is a Court of Judicial Magistrate or Sessions Court or High Court or any Tribunal functioning in the State, it should be functioning in accordance with law and also the record of such Court/Tribunal cannot be tampered by anybody in any manner, otherwise, public at large will lose faith in the functioning of the judiciary. It is also surprising to know that

the department of the Registry is not having full fledged facility of CCTV cameras, though, in certain parts, the CCTV cameras are installed. Let the Registry may take appropriate initiative by following due procedure by taking appropriate approval from the concerned authority including state government and the concerned Committees of this Court and in case of need, the Registry may also take help of the Secretary, Legal Department to expedite the procedure at the end of the State Government.

7. Let the copy of this order be also furnished to the learned Advocate General with a view to expedite the procedure on their part, if required, for the installation of cameras which cover, practically, every table and every corner of the Registry, which should be installed as expeditiously as possible preferably within 10 (ten) weeks from today.

8. With the above observation, the time as sought by the Registry is granted. Re-list this matter for further consideration on 7.12.2023. It is expected that by the next date, the Registry will be able to submit the final report with proper conclusion.

(SANDEEP N. BHATT,J)

SRILATHA