

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Criminal Miscellaneous Application No.439/2022

Sumit Singhal S/o Sh. Rajkumar Singhal (Advocate), Aged About  
29 Years, R/o Section-12/d/37, Kudi Bhagtasni, Pali Road,  
Jodhpur (Raj.).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

Connected With

D.B. Criminal Miscellaneous Application No. 378/2022

Sumit Singhal S/o Shri Rajkumar Singhal (Advocate), Aged  
About 29 Years, 12/d/37 Kudi Bhagtasni, Pali Road, Jodhpur  
(Raj.).

-----Petitioner

Versus

State, Through Additional Advocate General

-----Respondent

---

|                   |   |                                                        |
|-------------------|---|--------------------------------------------------------|
| For Petitioner(s) | : | Mr. Moti Singh<br>Mr. Sumit Singhal, present-in-person |
| For Respondent(s) | : |                                                        |

---

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR  
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

**Order**

**27/04/2026**

***In D.B. Criminal Miscellaneous Application No.439/2022***

1. The present misc. application has been filed in review  
petition No.59/2022 filed in D.B. Reference No.2/2022 with a  
prayer to waive off the cost imposed by the order dated  
29.06.2022.

2. The facts necessary to be noted for deciding the present application are that on 09.01.2021, the members of the Bar were requested to assist the Court on certain legal issues in the reference proceedings initiated under Section 395 (2) of the Code of Criminal Procedure, 1973 which was registered as D.B. Reference No.2/2020. In the reference pending before this Court, the applicant furnished his written submissions and also appeared before the Court on various hearings. The reference was decided by this Court vide judgment dated 03.12.2021. In the reference decided by this Court on 03.12.2021, the applicant preferred a review application being D.B. Review Application No.59/2022. In the review application, certain allegations were made by the applicant, which on bare perusal appear to be contentious in nature. The review application filed by the applicant was dismissed with a cost of Rs.50,000/-by this Court vide order dated 29.06.2022. Against the order dated 29.06.2022, the applicant filed a Writ Petition(s) Criminal before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide judgment dated 28.11.2022, dismissed this Writ Petition(s) Criminal with a liberty to the applicant to move this Court provided he filed an unconditional affidavit of apology before the Division Bench and withdraws all his allegations in his review petition. In compliance of the direction issued by the Hon'ble Supreme Court, the applicant herein has filed an affidavit. The contents of the affidavit are reproduced as under:-

"3. That I most respectfully tender my unconditional and unqualified apology before this Hon'ble Court for any statement, pleading, submission or conduct on my part which may have been perceived as inappropriate or not in consonance with the dignity of this Hon'ble Court and withdraw all the unintentional allegations, if any.

4. That I deeply regret the lapse and submit that there was never any deliberate or intentional attempt to lower the dignity or authority of this Hon'ble Court.

5. That the present apology is bona fide, voluntary, without any reservation whatsoever and is made with utmost sincerity.

6- That I hold this Hon'ble Court and the judicial institution in the highest esteem and undertake to maintain the highest standards of professional conduct henceforth.

7- That in view of the unconditional apology tendered herein and in the interest of quietus to the matter, I most humbly pray that the cost, if any, imposed upon me may kindly be waived and any adverse observations made against me may kindly be expunged.

8. That it is further prayed that the present proceedings may not be treated as affecting my professional standing at the Bar in view of the unconditional apology tendered. That this affidavit is filed in the interest of justice. It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to accept the unconditional and unqualified apology of the applicant and waive the cost imposed and expunge the adverse observations."

3. Learned counsel for the applicant submits that the applicant is a young counsel and in excitement he has filed the review petition using the language which is not befitting to the procedure and established norms. There was no intention of the review petitioner to file an application with the intent to lower down the dignity and esteem of the Court. The contentions raised in the application were bona fide. He further submits that even if this Court has come to the conclusion that the applicant has filed an application which has lowered down the dignity and authority of this Court then he has filed an unconditional and unqualified apology for the action taken by him in filing such review petition. Learned counsel further submits that applicant being a young counsel was not properly advised to use the vocabulary and words while filing the review application however he will remain cautious in future. He undertakes that in future such mistakes shall not be committed by him and, therefore, the cost of Rs.50,000/-may be waived.

4. We have considered the submissions made at the Bar and have gone through the contents of the application as well as pleadings brought on record.

5. It is true that a bare perusal of the reading of the review petition shows that the terminology used in the pleadings was not proper and this Court feels that it may not be the intention of the counsel to lower down the dignity of this Court but certainly the language used in the review petition was absolutely improper.

6. Since the applicant is a young counsel therefore keeping in mind the future of the applicant, we waive off the cost of Rs.50,000/- on the undertaking being submitted by the counsel for the applicant that such mistakes shall not be repeated in future and the applicant will be cautious and careful in writing the pleadings to be filed before this Court.

7. The application is therefore allowed and the cost of Rs.50,000/- imposed upon the applicant is waived off.

***D.B. Criminal Miscellaneous Application No.378/2022***

In view of the order passed in connected application No.439/2022, the present application bearing No.378/2022 is disposed of as rendered infructuous.

**(CHANDRA SHEKHAR SHARMA),J      (VINIT KUMAR MATHUR),J**