

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 352/2017

Girdhari Lal S/o Late Shri Ganga Prasad, aged about 62 years
R/o Ashok Vihar, Bharatpur and Village Gurjar Kharera, Police
Station Ucchain, Distt. Bharatpur Raj.

-----Petitioner

Versus

State Of Rajasthan Through PP

-----Respondent

Connected With

S.B. Criminal Miscellaneous (Petition) No. 3147/2017

1.

Govind Singh S/o Late Shri Ramsaran Singh, aged about
64 years, R/o Village Tyohari, P.s. Weir, Distt. Bharatpur
2.

Puran Singh S/o Isharam, aged 40 years R/o Village
Awar, P.s. Kumher, Distt. Bharatpur

-----Petitioners

Versus

1.

State Of Rajasthan Through Pp
2.

Girdhari Lal S/o Late Gangaprasad R/o Ashok Vihar,
Bharatpur at Present Village Gurjar Kharera, Police
Station Ucchain, Distt. Bharatpur Raj.
3.

Kedarnath, RJS Civil Judge & Judicial Magistrate No. 2,
Bharatpur
4.

Reader Shri Bhupesh, Court of Civil Judge and Judicial
Magistrate No. 2, Bharatpur

-----Respondents

For Petitioner(s)	:	Mr. Ambrish Vashishtha
For Respondent(s)	:	Mr. Jitendra Singh Rathore-PP Ms. Neha Goyal

JUSTICE ANOOP KUMAR DHAND

Order

24/04/2026

1. Since common questions of law and facts are involved in both the petitions, hence, the same are being decided by this common order.
2. By way of filing these petitions, a challenge has been led to the impugned order dated 13.12.2016 passed by the Revisional Court i.e. the Court of Additional Sessions Judge No.4, Bharatpur in Criminal Revision Petition No. 38/2015.
3. By passing the aforesaid order dated 13.12.2016, the learned Revisional Court has imposed a cost of Rs. 5000/- each upon the petitioners- Govind Singh and Puran Singh Sinsinwar who are practicing lawyers before the Trial Court at Bharatpur and a cost of Rs. 35,000/- has been imposed upon the petitioner- Girdhari Lal who had submitted the aforesaid revision petition against the impugned orders dated 02.12.2014 and 15.01.2015 before the Court of the Additional Sessions Judge No.4, Bharatpur.
4. Learned counsel for the petitioners submits that while submitting the aforesaid revision petition against the impugned orders dated 02.12.2014 and 15.01.2015, the Presiding Officer who passed the aforesaid impugned order and the Reader attached with the Presiding Officer were impleaded as party-respondents in the array of cause title. Counsel submits that on account of bona fide mistake, the Presiding Officer and his Reader were impleaded as party in the array of cause title in the revision petition but this fact was not appreciated by the learned Revisional Court and accordingly, the order impugned has been passed asking them to deposit the aforesaid amount with the District Legal Services Authority as cost/compensation. Counsel submits that to the limited extent of imposition of cost amount, the

petitioners have approached this Court by way of filing these misc. petitions. Counsel for the petitioners- lawyers undertakes before this Court that they will not repeat the same mistake in future and will not implead the Presiding Officer or any Staff member attached to the Presiding Officer in any of the proceedings where the impugned order passed by the Presiding Officer/Trial Court is assailed before the Revisional Court. Hence, a lenient view in favour of the petitioners be taken and the cost amount, so deposited by the petitioners, pursuant to the aforesaid impugned order dated 13.12.2016, be refunded to the petitioners.

5. Heard and considered the submissions made at Bar and perused the material available on record.

6. Perusal of the record indicates that the petitioners- Govind Singh and Pooran Singh Sinsinwar are practicing lawyers at Bharatpur. They submitted a representation in the capacity of Lawyers against the impugned order which was passed against the petitioner-Girdhari Lal. It appears that in the memo of revision petition they impleaded the Presiding Officer who had passed the impugned order, as a party-respondent in the array of cause title along with the Reader attached to the said Presiding Officer.

7. The aforesaid fact was not appreciated by the Revisional Court and finding the aforesaid act of the petitioners as a misconduct, a cost of Rs. 5,000/- each has been imposed upon the petitioners -lawyers and a cost of Rs. 35,000/- has been imposed upon the petitioner-Girdhari Lal. This Court would not appreciate such practices to continue on the part of the lawyers or the litigants but looking to the fact that the aforesaid mistake was a bona fide one at the instance of the lawyers and the litigant who

was not aware about the procedure required to be followed before the Courts. Hence under these circumstances, this Court is of the considered opinion to take a lenient view in favour of the petitioners and warn them to remain careful in future and looking to the fact that the petitioners submitted an undertaking before this Court that they would not repeat the same mistake again in future and they will not implead any Presiding Officer or any staff member attached to any Presiding Officer personally in any petition, where the orders passed by the Presiding Officers are assailed before the Revisional Court.

8. In view of the facts and circumstances of the case, the impugned order dated 13.12.2016 passed by the Revisional Court is partly set aside to the extent of imposition of cost upon the petitioners. The Full Time Secretary of District Legal Services Authority, Bharatpur is directed to return the amount so deposited by the petitioners (lawyers and litigant) after receipt of the certified copy of this order.

9. With the aforesaid observations and directions, both the criminal misc. petitions stand disposed of. Stay applications and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J