

ITEM NO.20

COURT NO.3

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 50764/2023

(Arising out of impugned final judgment and order dated 06-09-2023 in HCWP No. 655/2023 passed by the High Court Of Judicature At Allahabad)

YOGENDRA SINGH

Petitioner(s)

VERSUS

HIGH COURT OF JUDICATURE AT ALLAHABAD & ANR.

Respondent(s)

(IA No.258853/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.258856/2023-EXEMPTION FROM FILING O.T. and IA No.258854/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.258855/2023-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 12-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Permission to file special leave petition and Permission to appear and argue in person are granted.
2. Since no order prejudicial to the interest of the respondents is being passed, the requirement of issuance of notice is waived.
3. We find that the observations made by the High Court in paragraphs 25 and 26 were not warranted.

4. The petitioner, who is a lawyer, while drafting the habeas corpus petition for his client has specifically mentioned about the bail application being filed by the writ petitioner(s) and also about the rejection of the same. As such, the observations of the High Court that the petitioner, who is a lawyer, has suppressed the material facts is not borne out of the record.

5. In any case, before making such adverse observations against the counsel, it was necessary for the High Court to have given notice and an opportunity of being heard. Indisputably, this is not done in the instant case. This is, more so, when the High Court has made observations regarding the professional competence of the petitioner(s).

6. It is a settled law that any order inviting adverse civil consequences has to be proceeded by the principles of natural justice. On this count also the observations made in the impugned judgment are liable to be struck down.

7. The observations made by the High Court in paragraphs 25 and 26 of the impugned order, against the petitioner, are expunged.

8. The special leave petition is, accordingly, disposed of.

9. Pending application(s), if any, shall stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)