

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2019/2022
[@ SLP [CRL.] NO.11165/2022]
[@ DIARY NO.35353/2022]

SARITA SWAMI

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the appellant,
a judicial officer.

The bail application was decided by the judicial
officer arising from the FIR No.203/2020 for offence
under Section 302 of the IPC.

The High Court noted that the charge sheet
against the accused under Section 304, IPC had not
been filed though it was observed that that was the
position, on the basis of the case diary. The Court,
while cancelling the bail, has made some observations
against the learned Judge who is the appellant before
us.

In our view, the observations are not called for
in the given scenario and in fact it is such an
approach which discourages the trial Courts in
granting bail resulting in huge volume of litigation
before the High Court and this Court.

We thus, have no hesitation in setting aside the observations made against the appellant and consequently, even the directions contained in the impugned order against the appellant are set aside.

The appeal is accordingly allowed leaving parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[ABHAY S. OKA]

NEW DELHI;
NOVEMBER 21, 2022.

ITEM NO.43

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 35353/2022

(Arising out of impugned final judgment and order dated 14-07-2022 in SBCRBCA No. 51/2020 passed by the High Court Of Judicature For Rajasthan At Jaipur)

SARITA SWAMI

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

(FOR ADMISSION and I.R. and IA No.170963/2022-CONDONATION OF DELAY IN FILING and IA No.170964/2022-EXEMPTION FROM FILING O.T. and IA No.170960/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.170965/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 21-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Abhishek Gupta, AOR
Mr. Nikhil Kumar Singh, Adv.

For Respondent(s)

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

Permission to file SLP is allowed.

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Signed order is placed on the file]

