

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION/
CRIMINAL ORIGINAL JURISDICTION**

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO(S).58089 OF 2024

MUKESH TYAGI

...Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

...Respondent(s)

WITH

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).58123/2024

WRIT PETITION (CRIMINAL) NO.524/2024

O R D E R

Diary Nos. 58089/2024 and 58123/2024

The instant Special Leave Petitions have been preferred by the petitioner, challenging the orders dated 24.09.2019 passed by the learned Single Judge of the High Court of Judicature for Rajasthan, Bench at Jaipur, in S.B. Criminal Appeal No. 1134 of 2019 and S.B. Criminal Appeal No. 1135 of 2019. Moreover, arising from the common set of facts as involved in the aforementioned Special Leave Petitions, is a writ petition bearing W.P.(Crl) No. 524 of 2024, filed by the

petitioner before this Court, seeking the following reliefs:

“a) Issue a writ in the nature of certiorari or any other appropriate writ, order or direction, setting aside the enquiry proceedings initiated against the Petitioner under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 on the basis of the adverse remark/observation made in the judgments and orders dated 24.09 2019 passed by the Hon'ble High Court of Rajasthan at Jaipur in S.B Criminal Appeal No. 1134/2019 and S.B Criminal Appeal No. 1135/2019; and

b) Pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Briefly stated, the facts of the case are that the petitioner herein, at the relevant time, was posted as Special Judge, meant for Protection of Children from Sexual Offences Act and Commission for Protection of Child Rights Act, (POCSO Act) Dholpur, Rajasthan. In a criminal case arising out of FIR No. 557 of 2016, the petitioner/judicial officer, by a common order dated 04.05.2019, had granted bail to two accused persons, namely Punjab Singh and Aishveer Singh. Challenging the grant of bail, the complainant had preferred S.B. Criminal Appeal No. 1134 of 2019 and S.B. Criminal Appeal No. 1135 of 2019 before the High Court.

3. The learned Single Judge of the High Court, by orders dated 24.09.2019, allowed both the appeals, set aside the common order dated 04.05.2019 and cancelled the bail granted to said accused persons on the ground that no change of circumstance had occurred after the appeals and revision petitions of the accused persons against the rejection of their earlier bail applications were dismissed. The relevant paragraphs of the impugned order dated 24.09.2019 passed in S.B. Criminal Appeal No. 1134 of 2019, are extracted as under:

“16. In my considered view, in the present matter no change in the circumstances took place after the revision seeking bail was dismissed by Coordinate Bench of this Court. I am of the considered view that the learned trial court has committed gross illegality in granting bail to the accused, more particularly when the revision seeking bail was dismissed by the Coordinate Bench of this Court after considering statement of the victim and looking to the seriousness of the offence, the reason assigned by the learned trial court that the accused is in custody since 18-4-2017, in my considered view may not be a relevant consideration for exercising discretion in favour of the accused under Section 439 Cr.P.C., as has been held by the Hon’ble Supreme Court in the matter of *Anil Kumar Yadav* (supra).

17. Thus, in the facts and circumstances of this case the Registry is directed to place a copy of this order before the Hon’ble Chief Justice for information.

18. In that view of the matter, the present application for cancellation of bail is allowed. The order passed by the learned trial court dated 4-5-2019 is set aside. The bail bonds of the accused are directed to be cancelled and the learned Trial Judge is directed to take the accused into custody and proceed with the trial of the case.”

4. Pursuant to the order of the learned Single Judge, the High Court issued a Statement of Memorandum dated 25.10.2024, along with the chargesheet, proposing to hold an inquiry against the petitioner/judicial officer under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 on the charge that the act of the petitioner in allowing the bail applications of the aforementioned two accused persons amounted to gross judicial impropriety and indiscipline.

5. Aggrieved by the remarks made by the learned Single Judge in the impugned orders as well as the inquiry proceedings initiated by the High Court, the petitioner is before this Court. In the Writ Petition filed by the petitioner, the aforesaid prayers have been made.

6. We have heard Shri P.S Patwalia, learned senior counsel for the petitioner, Shri Raju Ramachandran, learned senior counsel appearing for the High Court and learned counsel Sri. S. Udaya Kumar Sagar for the State and perused the material on record.

7. The genesis of this controversy emanates from paragraphs 16 and 17 of the order dated 24.09.2019 passed in S.B.Criminal Appeal No.1134/2019 which are extracted above. The learned Single Judge of the High Court who passed the said order had stated that the petitioner herein was not right in granting the relief of bail to the accused. Having regard to the facts and circumstances of the case, the Registry of the High Court was directed to place a copy of the said order before the Hon'ble Chief Justice of the High Court for information.

8. When the Hon'ble Chief Justice of the High Court was made aware of the said order, the Memorandum dated 25.10.2024 along with statement of charges under Rule 16 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 and the allegation of charge were issued to the petitioner herein.

9. Assailing the same, Writ Petition (Criminal) No.524/2024 has been filed. As noted above, concomitantly, the petitioner/judicial officer has also assailed the order dated 24.09.2019 passed by the learned Single Judge in S.B.Criminal Appeal No.1134/2019.

10. We find that having regard to the facts and circumstances of this case, the observations of the learned Single Judge in order dated 24.09.2019 passed in S.B.Criminal Appeal No.1134/2019 would not call for any modification or expunction. In the circumstances, we dismiss these Special Leave Petitions.

11. However, the question is, whether, the Hon'ble Chief Justice of the High Court could have initiated disciplinary proceedings against the petitioner herein. The Hon'ble Chief Justice had many avenues by which the case of the petitioner/judicial officer could have been remedied. The petitioner/judicial officer could have been summoned and impressed as well as warned upon the manner in which he had disposed of the subsequent bail application when earlier a similar application had been rejected by the High Court. In

other words, the earlier order of the High Court could have been borne in mind and given its due weightage and seriousness by the petitioner – Judicial Officer when the subsequent application for bail was filed by the accused. The same not having emanated from the impugned order passed by the petitioner/judicial officer when the relief of bail was granted by the petitioner herein to the accused has possibly led to the learned Single Judge making remarks in paragraphs 16 and 17 of his order.

12. However, the Hon'ble Chief Justice of the High Court sought to initiate an inquiry into the matter. We find that in the facts and circumstances of this case, the initiation of an inquiry was not at all required. Possibly the entry of the remarks of the learned Single Judge in the Annual Confidential Report (ACR) would have sufficed. We have also stated, the petitioner/judicial officer could have been counseled and warned to be more careful in future and to give sufficient weightage to the orders of the High Court particularly when the same were passed earlier in the same case by the High Court. In the circumstance, we find that the Memorandum dated 25.10.2024 at Annexure P-6, the statement of charges under Rule 16 of the Rules, the allegation of charge etc. were not warranted for in the instant case.

13. We also note that the ACR pertaining to the petitioner has been

positive and he is shown to have been a very good officer. The petitioner herein has since retired on 31.03.2026 on attaining the age of superannuation. His pay as per the revised pay scale and terminal benefits have not been released although his provisional pension may have been sanctioned and released.

14. In the circumstances, we deem it just and proper to quash Memorandum dated 25.10.2024 at Annexure P-6, the statement of charges under Rule 16 of the Rules, the allegation of charge etc. Consequently, we direct the respondent(s)/State and High Court to take steps to re-compute the pay as per revised pay scale of the petitioner/judicial officer and release his terminal benefits including pension and arrears of pension and pay within a period of three months if there is no other legal impediment to do so.

15. We clarify that the aforesaid discussion and order is passed having regard to the peculiar facts of this case.

16. All Pending applications including the applications for condonation of delay shall stand disposed of.

As noted above, Special Leave Petitions stand dismissed.

W.P.(Crl.) No. 524/2024

17. In view of the aforesaid order, the Writ Petition is allowed.

Pending application(s) shall stand disposed of.

....., J
(B.V. NAGARATHNA)

....., J
(R. MAHADEVAN)

....., J
(DEVENDRA KUMAR UPADHYAYA)

**NEW DELHI
OCTOBER 8, 2026**

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). 58089/2024

[Arising out of impugned final judgment and order dated 24-09-2019 in SBCRA No. 1134/2019 passed by the High Court of Judicature for Rajasthan at Jaipur]

MUKESH TYAGI

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

[TO BE TAKEN UP IMMEDIATELY AFTER THE FRESH CASES ARE HEARD]

IA No. 295167/2024 - CONDONATION OF DELAY IN FILING

IA No. 295170/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 295174/2024 - EXEMPTION FROM FILING O.T.

WITH

Diary No(s). 58123/2024 (II-D)

IA No. 294989/2024 - CONDONATION OF DELAY IN FILING

IA No. 294990/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 294991/2024 - EXEMPTION FROM FILING O.T.

W.P.(Crl.) No. 524/2024 (X)

IA No. 295352/2024 - EXEMPTION FROM FILING O.T.

IA No. 298309/2024 - GRANT OF INTERIM RELIEF

Date : 08-10-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE R. MAHADEVAN

HON'BLE MR. JUSTICE DEVENDRA KUMAR UPADHYAYA

For Petitioner(s) :Mr. P.S Patwalia, Sr. Adv.

Mr. Mayank Jain, Adv.

Mr. Madhur Jain, Adv.

Ms. Aakrti Dhawan, Adv.

Mr. Parmatma Singh- 2452, AOR

For Respondent(s) :Mr. S.Udaya Kumar Sagar- 1132, AOR

Mr. Raju Ramachandran, Sr. Adv.

Mr. Mukul Kumar-1722, AOR

Ms. Shruti Narayan, Adv.
Ms. Raji Gururaj, Adv.
Ms. Nida Khan Salim, Adv.

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

Diary Nos. 58089/2024 and 58123/2024

The Special Leave Petitions stand dismissed in terms of
the signed order.

All Pending applications including the applications for
condonation of delay shall stand disposed of.

W.P.(Crl.) No. 524/2024

The Writ Petition is allowed in terms of the signed
order.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
DEPUTY REGISTRAR

(DIVYA BABBAR)
COURT MASTER (NSH)

(Signed order is placed on the file)