

ITEM NO.23

COURT NO.1

SECTION II-D

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. 43573/2025

[Arising out of impugned judgment and order dated 31-07-2025 in SBCRMP No. 2703/2025 and 01-08-2025 in SBCRMP No. 3916/2025 passed by the High Court of Judicature for Rajasthan at Jaipur]

RAJEEV DUTTA

PETITIONER(S)

VERSUS

STATE OF RAJASTHAN & ORS.

RESPONDENT(S)

(IA No. 218420/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 218421/2025 - EXEMPTION FROM FILING O.T., IA No. 218422/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 218418/2025 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

WITH

SLP(Crl) No. 13511-13522/2025 (II-D)

IA No. 218380/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

W.P.(Crl.) No. 355/2025 (X)

IA No. 219575/2025 - EXEMPTION FROM FILING O.T.

IA No. 219576/2025 - GRANT OF INTERIM RELIEF

Date : 15-09-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K. VINOD CHANDRAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Item no. 23

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Maninder Singh, Sr. Adv.
Mr. Prabhas Bajaj, AOR
Mr. Priyanshu Tyagi, Adv.

Mr. Harsh Chauhan, Adv.
Mr. Rithvik Mathur, Adv.
Ms. Priyanka Bhatt, Adv.

Item no. 23.1 Mr. Tushar Mehta, Solicitor General
Mr. Shiv Mangal Sharma, A.A.G.
Ms. Shalini Singh, Adv.
Ms. Sonali Gaur, Adv.
Ms. Nidhi Jaswal, AOR

Item no. 23.2 Mr. Kapil Sibal, Sr. Adv.
Ms. Shraddha Deshmukh, AOR
Mr. Mayank Jain, Adv.
Mr. Madhur Jain, Adv.
Ms. Akriti Dhawan, Adv.
Mr. Utkarsh Kokcha, Adv.
Mr. Sanchit Singh, Adv.
Mr. Sarthak Gupta, Adv.

For Respondent(s) :

Item Nos. 23 & 23.1 Mr. Kapil Sibal, Sr. Adv.
Ms. Shraddha Deshmukh, AOR
Mr. Utkarsh Kokcha, Adv.
Mr. Sanchit Singh, Adv.

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

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO. 43573 OF 2025
AND SPECIAL LEAVE PETITION (CRIMINAL) NOS. 13511-13522 OF
2025:

1. Permission to file the Special Leave Petition is granted in Diary No. 43573/2025.
2. The petitioners are aggrieved by the orders passed by the learned Single Judge of the High Court dated 31.07.2025 and 01.08.2025.

3. Mr. Mukul Rohatgi, the learned senior counsel appearing on behalf of the petitioner-Mr. Rajeev Dutta, who has been impleaded before the High Court *vide* order dated 01.08.2025, states that the manner in which the learned Single Judge has proceeded speaks volumes. He submits that when the Hon'ble Chief Justice of the High Court had notified that the roster would change from 04.08.2025, the learned Single Judge in a hurried manner *vide* order dated 31.07.2025, directed the matter to be kept on the very next date, i.e. 01.08.2025. He submitted that when an objection was taken that the present petitioner is not impleaded as a party respondent and allegations were made against him, the writ petitioner was directed to implead the present petitioner. On the very next date, though the learned Single Judge directed that notice be issued to the newly arrayed parties, including the present petitioner, he passed various directions prejudicial to the interest of the present petitioner. Mr. Rohatgi, therefore, submitted that the entire manner in which the orders has been passed, are not sustainable in law.

4. Mr. Rohatgi, learned senior counsel relies on the judgment of this Court in the case of Manharibhai Muljibhai Kakadia and Anr. v. Shaileshbhai Mohanbhai Patel and Ors. reported in (2012) 10 SCC 517 and submits that

the very procedure adopted by the learned Single Judge is contrary to the law laid down by this Court.

5. Be that as it may. We do not propose to go into the manner in which the learned Single Judge has dealt with the matter. We are informed that the roster has already been changed from 04.08.2025 and the matter would come up before some other Judge.

6. We, therefore, request the Chief Justice of the High Court to list the matter before any other Judge, other than the one who has passed the impugned orders.

7. The petitioners would be at liberty to make appropriate applications before the Judge to whom the matter would be assigned. The learned Single Judge to whom the matter would be assigned, after hearing parties, would pass appropriate orders, without being influenced in any manner by the orders impugned herein.

8. The Special Leave Petitions stand disposed of with the aforesaid observations, along with pending application(s), if any.

WRIT PETITION (CRIMINAL) No. 355 OF 2025:

1. The learned senior counsel appearing for the petitioners seeks permission to withdraw the present Writ Petition with liberty to take such steps as are permissible under the law.

2. The Writ Petition is, accordingly, disposed of as withdrawn with the liberty as prayed for.

(POOJA SHARMA)
AR-CUM-PS

(ANJU KAPOOR)
ASSISTANT REGISTRAR