

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1616 OF 2023
(@ SLP (CRL) No.3029 of 2022)

ASHVINI VIJAY SHIRIYANNAVAR

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

O R D E R

Leave granted.

The appellant is before this Court only insofar as the adverse observations made against the appellant herein and the ultimate direction issued in paragraphs 15(iii)&(iv) as against the appellant herein.

Having heard learned senior counsel for the appellant as also learned counsel for the State, we note that the High Court while disposing of criminal petition through its order dated 04.02.2022 wherein the issue relating to cancellation of bail granted to the accused had arisen, the High Court has made certain observations with regard to the manner in which the appellant who is a judicial officer has exercised her discretion. It is in that light the High Court has made the observations in paragraph -14 of the order and has arrived at the conclusion that the Registry is required to obtain orders from Hon'ble the Chief Justice and post the appellant-Judicial Officer in the Judicial Academy for training. Such observation and direction in our opinion is not justified.

This Court has been repeatedly indicating that such orders should not be made without opportunity to the person concerned whose career and esteem will be effected. In that view of the matter without adverting to any other aspect, we set aside the direction contained in paragraphs 15(iii) & (iv) of the order dated 04.02.2022. The observations against the appellant herein as contained in paragraph 14 is also expunged.

In terms of the above, the appeal insofar as the appellant herein is concerned, stands allowed.

.....J.
[A.S. BOPANNA]

..... J.
[PANKAJ MITHAL]

NEW DELHI;
MAY 19, 2023

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

Petition for Special Leave to Appeal (Cr1.) No.3029/2022
(Arising out of impugned final judgment and order dated 04-02-2022
in CRLP No. 4234/2021 passed by the High Court Of Karnataka at
Bengaluru)

ASHVINI VIJAY SHIRIYANNAVAR

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(IA No. 64249/2023 - APPLICATION FOR PERMISSION, IA No. 38002/2022
- INTERVENTION/IMPLEADMENT AND IA No. 38000/2022 - PERMISSION TO
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-05-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Basavaprabhu S. Patil, Sr. Adv.
Mr. Anirudh Sangneria, AOR
Mr. Samarth Kashyap, Adv.

For Respondent(s) Mr. Sabarish Subramanian, AOR
Mr. Vishnu Unnikrishnan, Adv.
Mr. Naman Dwivedi, Adv.
Mr. C Kranthi Kumar, Adv.
Mr. Danish Saifi, Adv.

Mr. Shubhranshu Padhi, AOR
Mr. Vishal Banshal, Adv.
Ms. Rajeshawari Shankar, Adv.
Mr. Niroop Sukrithy, Adv.
Mr. Jai Nirupam, Adv.
Mr. Ashish Yadav, Adv.

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

Leave granted.

The appeal is allowed in terms of signed order.

Pending application(s) shall also stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(Signed order is placed on the file)

(DIPTI KHURANA)
ASSISTANT REGISTRAR