

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Criminal Misc. Application No. 1368 of 2026

Sanjeev Kaushik. Applicant.

Versus

State of Uttarakhand and Another. Respondents.

Present:

Mr. Navneet Kaushik, learned counsel for the applicant.

Mr. Tumul Nainwal, learned A.G.A. for the State.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. The instant petition has been preferred by the petitioner Sanjeev Kaushik, who is a practicing lawyer since last 27 years in District and Session Court, Haridwar and Roorkee against the judgment and order dated 08.04.2026 passed in Criminal Revision No. 96 of 2025 'Rishab Saini vs. State of Uttarakhand and Another', wherein, the learned 1st Additional Sessions judge, Roorkee make a serious remark on the integrity of the petitioner by observing that conduct of the petitioner is against the ethics of profession and liable for censor. The petitioner who is the practicing lawyer though is not the party to the proceeding of the matter, wherein, the impugned order was passed as he was representing one of the party to the proceeding but due to such a serious he is compeled to file this petition.

2. The brief facts of the issue, which was dealt with by the learned 1st Additional Sessions Judge while deciding Criminal Revision No. 96 of 2025 is that the respondent no. 2 herein Ms. Amita Saini filed a complaint against her husband and in-laws for the offence punishable under section 406 of IPC and the said

complaint was registered as Complaint Case No. 3160 of 2023. In this complaint case on 16.10.2024 the summons were issued only against the husband Rishab Saini, who being aggrieved with the summoning preferred Criminal Revision No. 93 of 2025 before the Session Court and the said revision was admitted but the summoning order dated 16.10.2024 was not stayed.

Since, there was no stay in the order of summoning, consequently, the concerned Trial Court proceeded with Complaint Case No. 3160 of 2023 and as the respondent/husband could not appear, a non-bailable warrant (in short NBW) was issued on 27.02.2026 against Rishab Saini, who being aggrieved with the order of non-bailable warrant preferred another revision bearing Criminal Revision No. 25 of 2026, which was admitted on 07.03.2026 but the non-bailable warrant was not stayed.

3. Since, the non-bailable warrant was not stayed by the Revisional Court in Criminal Revision No. 25 of 2026 Mr. Rishab Saini preferred a petition before this court i.e. C528 No. 372 of 2026, wherein, the Coordinate Bench on 12.03.2026 disposed of the petition by keeping non bailable warrant in abeyance with the direction to the husband Rishab Saini to put appearance before the Trial Court on the date fixed.

4. The order of Coordinate Bench dated 12.03.2026 passed in C528 No. 372 of 2026 was placed before the Trial Court dealing with Complaint Case No. 3160 of 2023 on 18.03.2026 but since the date was already fixed for 12.05.2026, therefore, the Trial Court could not have take note of the order passed by the High Court though it was already placed on record.

5. In the meantime, Original Revision No. 93 of 2025, which was preferred against the original summoning order dated 06.10.2024 was came up before the Revisional Court on 08.04.2026 and the Revisional Court take serious note of the fact that the order of High Court dated 12.03.2026 passed in C528 No. 372 of 2026 was suppressed and after taking serious note on this the Revisional Court observed that during course of argument learned counsel for the revisionist concealed the above position from this court, which was brought to the attention of Revisional Court by the learned counsel for respondent no. 2, who is the complainant. In para-30 of the order impugned it has been observed by the revisional court that the order of High Court dated 12.03.2026 was well within the knowledge of the revisionist and his counsel and concealment of the order amount to misconduct on the part of the revisionist and his counsel. Subsequently, in para-32 the revisional court observed that the conduct of learned counsel in this regard is against the ethics of profession and liable for censor. Relevant extract of the order impugned, which is under challenge, are being extracted herein as under:

28. During the course of arguments, the Learned Counsel for the revisionist concealed the above position from this Court. However the above position was brought on record to the attention of this Court by the Learned Counsel for the Respondent no.2.

30. The order dated 12/03/2026 being well within the knowledge of Revisionist and his Learned Counsel, concealment of the order and the proceedings as above from this court is misconduct on part of the Revisionist and his Learned Counsel.

32. The conduct of the Learned Counsel in this regard is against the ethics of profession and liable for censor."

6. Now, being aggrieved with the serious remark as observed by the revisional court in the order dated 08.04.2026 the petitioner who is the counsel for one of the party to the

revision, which has been decided by the order impugned preferred this petition under section 528 of BNSS, 2023. Learned counsel for the petitioner.

7. Mr. Navneet Kaushik, learned counsel for the applicant, submits the adverse remark of the revisional court is wholly unjustified and unwarranted since in the original proceeding i.e. Complaint No. 3160 of 2023 the order of High Court was already placed on record on 18.03.2026 and since the order of High Court relates to the non bailable warrant, which has nothing to do with the subject matter of Revision No. 93 of 2025, therefore, the Revisional Court exceeded his power and jurisdiction while passing serious remark on the applicant, who is a practicing lawyer. He submits that the petitioner being and advocate is practicing since 27 years with an unblemished record and in any of the proceeding in which he has appeared for the litigant since last 27 years not a single remark has been made on his conduct and integrity by any court and the issue in hand was wrongly dealt with by the revisional court while passing serious remark against the petitioner. He submits that even the Revisional Court have not dealt with this aspect that the issue of NBW was not the subject matter of Revision No. 93 of 2025 even then on the instance of learned counsel for the complainant the revisional court take serious view on the conduct of the petitioner, which was not at all warranted.

8. Mr. Tumul Nainwal, learned A.G.A. in order to assist this court also submits that the revisional court should apply his judicial mind before passing any remark whether there was any necessity to put a serious remark on the conduct of the lawyer particularly when the subject matter of the revision was entirely different to the subject matter of C528 No. 372 of 2026. He fairly

submits that C528 No. 372 of 2026 decided by the Coordinate Bench was only confined to issuance of non bailable warrant and it has nothing to do with the subject matter of Revision No. 93 of 2025, since the issue was only with regard to the issuance of order of summoning dated 16.10.2024.

9. I found force on the submission of learned counsel for the applicant as well as the learned A.G.A. I have gone through with the entire order as well as the order passed by the Coordinate Bench of this court in C528 No. 372 of 2026 as well as the subject matter of Criminal Revision No. 25 of 2026 as well as the subject matter of Criminal Revision No. 93 of 2025. Admittedly, the issue of Criminal Revision No. 25 of 2026 was only confined to non bailable warrant, therefore, there was no any occasion on the part of the revisional court to take cognizance on the order of the High Court which relates to non bailable warrant and the learned Revisional Court should deal with the issue in hand, therefore, this court is of the view that the learned 1st Additional Sessions judge, Roorkee, while passing the order impugned dated 08.04.2026 have exceeded his power and jurisdiction while passing serious remark on the conduct of the counsel, who was representing one of the party in that proceeding. This is really very surprising that the concerned court instead of focusing on the issue in hand take the cognizance of the issue which has no relevance.

10. In such view of the matter, the instant petition is allowed only to the extent of adverse remark against the petitioner in para- 28, 30 and 32. Rest of the order will be intact and to be dealt with on it's own merit. The concerned Judicial Officer is advised to be very cautious in future while passing any serious

remark on the conduct of the counsel representing the litigant and should focus on the issue in hand.

11. Registry is directed to send the copy of this order to the concerned court.

(Rakesh Thapliyal, J.)

19.06.2026

PR