

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

RESERVED ON : 16th JANUARY, 2018

DECIDED ON : 26th FEBRUARY, 2018

+ W.P.(CRL) 18/2015 & CrI.M.A. 54/2015 (stay)
INDER KUMAR Petitioner

Through: Mr. Alok Bhachawat, Advocate.

versus

STATE OF NCT OF DELHI & ANR Respondents

Through: Ms. Kamna Vohra, ASC for the State.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J.

1. Present writ petition has been preferred by the petitioner under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. to challenge the legality and correctness of orders dated 30.09.2014 and 02.12.2014 of learned Addl. Sessions Judge in CrI.Rev.P.No.10/2014 whereby costs ₹3,500/- were ordered to be recovered from his salary and also to expunge deprecatory remarks recorded in the order dated 02.12.2014.

2. During the course of arguments, copy of the order dated 21.07.2015 in CrI.M.C. 2082/2015 by this Court was placed on record by the learned Addl. Standing Counsel for the State.

3. Perusal of the order dated 21.07.2015 reveals that State had challenged the orders of the learned Sessions Judge whereby costs ₹3,500/- were imposed upon the State and ordered to be recovered

from the salary of the present petitioner by an order dated 30.09.2014. This Court without commenting on the merits of the case allowed the petition and set aside the orders dated 15.04.2014, 30.09.2014 and 02.12.2014 to the extent of imposing and realization of cost from the salary of learned Addl. Public Prosecutor.

4. Apparently, the relief sought by the petitioner has already been given in the said proceedings initiated by State. Since the orders dated 15.04.2014, 30.09.2014 and 02.12.2014 have been set aside, no recovery of ₹3,500/- shall be effected from the salary of the petitioner, and if already deducted, it shall be remitted back to him in compliance of the order dated 21.07.2015. Needless to say, any adverse observations in the said orders upon the work and conduct of the petitioner stand deleted and expunged.

5. The writ petition stands disposed of. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

FEBRUARY 26, 2018 / tr