

2025 LiveLaw (SC) 768

**IN THE SUPREME COURT OF INDIA
EXTRAORDINARY APPELLATE JURISDICTION**

J.B. PARDIWALA; J., R. MAHADEVAN; J.

Petition for Special Leave to Appeal (Crl.) No.11445/2025; 8 AUGUST, 2025

M/S. SHIKHAR CHEMICALS versus THE STATE OF UTTAR PRADESH & ANR.

Criminal Procedure - Directions to High Court Judge - Reconsideration on CJI's request - Role of Supreme Court - Institutional Integrity - Supreme Court recalled direction to remove Allahabad HC Judge from criminal jurisdiction - Modification came after an undated letter from the CJI requested a reconsideration of directions issued in paras 25 & 26 of previous order - Held that its initial intention was not to cause embarrassment or cast aspersions on the concerned Judge, but to intervene when the dignity of institution is imperiled, especially given a pattern of erroneous orders from said judge - Supreme Court reiterated the importance of maintaining the dignity and authority of the judiciary and the faith reposed in it by the people - High Courts are final court of justice for 90% of litigants and they expect the justice delivery system to function in accordance with law - High Court should always uphold the Rule of Law and institutional credibility - Petition dismissed. [Relied on *Rikhab Birani & Anr. V. State of Uttar Pradesh & Anr. 2025 INSC 512; Paras 4-12*]

ORDER

1. We have received an undated letter from Hon'ble the Chief Justice of India requesting us to reconsider the directions issued by us in Paras 25 and 26 respectively of our order dated 04th August, 2025 passed in Special Leave Petition (Crl.) No. 11445 of 2025.

2. In such circumstances, referred to above, we directed the Registry to re-notify the main matter for the purpose of considering the request made by Hon'ble the Chief Justice of India. Accordingly, the matter has been renotified today.

3. By our order dated 4th August, 2025, we set aside the impugned judgment of the High Court of Allahabad and remanded the matter to the High Court for fresh consideration in accordance with law. While partly allowing SLP (Crl.) No. 11445 of 2025, we observed the following: -

"22. In the result, we partly allow this petition and set aside the impugned order passed by the High Court. We remand the matter to the High Court for fresh consideration of the Criminal Miscellaneous Application No.2507 of 2024. The quashing petition shall be reheard on its own merits keeping in mind the dictum laid in the two decisions of this Court referred to above.

23. We request the Hon'ble the Chief Justice of the High Court of Allahabad to assign this matter to any other Judge of the High Court as he may deem fit.

24. The Chief Justice of High Court shall immediately withdraw the present criminal determination from the concerned Judge.

25. The Chief Justice shall make the concerned judge sit in a Division Bench with a seasoned senior judge of the High Court.

26. We further direct that the concerned judge shall not be assigned any criminal determination, till he demits office. If at all at some point of time, he is to be made to sit as a single judge, he shall not be assigned any criminal determination.

27. We have been constrained to issue directions as contained in Paras 22, 23, 24, 25 and 26 respectively, referred to above, keeping in mind that the impugned order is not the only erroneous

order of the concerned Judge that we have looked into for the first time. Many such erroneous orders have been looked into by us over a period of time.”

4. At the outset, we must clarify that our intention was not to cause embarrassment or cast aspersions on the concerned Judge. We would not even think of doing so. However, when matters cross the threshold and the dignity of the institution is imperiled, it becomes the constitutional responsibility of this Court to intervene, even when acting under its appellate jurisdiction under Article 136 of the Constitution. The directions in paras 25 and 26 respectively were issued keeping in mind the observation in Para 27. At the cost of repetition, we reproduce para 27 as under: -

“27. We have been constrained to issue directions as contained in Paras 22, 23, 24, 25 and 26 respectively, referred to above, keeping in mind that the impugned order is not the only erroneous order of the concerned Judge that we have looked into for the first time. Many such erroneous orders have been looked into by us over a period of time.”

5. Similarly, whenever we come across legally unimpeachable orders and orders that have ensured complete justice to the litigants, we have always taken the opportunity to record our appreciation for the Judges of the High Courts. The High Courts are not separate islands that can be disassociated from this Institution and we reiterate that whatever was said in our order was to ensure that the dignity and authority of the judiciary as a whole is maintained high in the minds of the people of this country, as that will go a long way in reinforcing the faith that is reposed in us.

6. It is not just a matter of error or mistake committed by the Judge concerned in appreciating the legal points or facts. We were concerned about the appropriate direction to be issued in the interest of justice and with a view to protecting the honour and dignity of the institution. The litigants in this country approach different courts of law to seek justice. For 90% of the litigants in this country, the High Court is the final court of justice. Only the remaining 10% can afford to approach the Supreme Court. The litigants who come to court expect the justice delivery system to function in accordance with law, not to obtain absurd or irrational orders.

7. In any view of the matter, since a request has been made in writing by Hon’ble the Chief Justice of India, and in due deference to the same, we hereby delete paras 25 and 26 respectively from our order dated 4th August, 2025. The order be corrected accordingly.

8. While we are deleting paras 25 and 26 respectively from our order dated 04th August, 2025, we leave it to the Chief Justice of the Allahabad High Court to look into the matter.

9. We fully acknowledge that the Chief Justice of a High Court is the master of the roster. But, as observed above, our directions are absolutely not interfering with the administrative power of the Chief Justice of the High Court. When matters raise institutional concerns affecting the rule of law, this Court may be compelled to step in and take corrective steps.

10. Recently, a Bench comprising former Chief Justice of India Hon’ble Mr. Justice Sanjiv Khanna and Hon’ble Mr. Justice Sanjay Kumar observed in *Rikhab Birani & Anr. vs. State of Uttar Pradesh & Anr.* reported in 2025 INSC 512, as follows :-

“We are also constrained to impose costs of Rs. 50,000/- (Rupees Fifty Thousand Only) on the State of Uttar Pradesh as in spite of repeated judgments/orders of this Court, we are being flooded with cases of civil wrongs being made the subject matter of criminal proceedings by filing chargesheets, etc.”

11. We hope that in future, we may not have to come across such perverse and unjust orders from any High Court. The endeavour of the High Courts should always be to uphold the rule of law and maintain institutional credibility. If the Rule of Law is not maintained or protected within the court itself, then that would be the end of the entire justice delivery system in the country.

12. Judges at any level are expected to work efficiently, discharge their duties diligently and always strive hard to fulfill their constitutional oath.

13. With the aforesaid, we dispose of the Special Leave Petition.

14. The Registry is directed to forward one copy of this order at the earliest to Hon'ble the Chief Justice of the Allahabad High Court.

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