

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

CRIMINAL APPEAL NO(S). 1364/2015

THE STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

DILEEP

Respondent(s)

Date : 28-01-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s): Mr. Pashupathi Nath Razdan, AOR

For Respondent(s): Ms. Neema, Adv.
Mr. Yogesh Tiwari, Adv.
Mr. Vikrant Singh Bais, AOR

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

1. The learned counsel appearing for the appellant seeks time to file notes of evidence on record.
2. In number of cases, we find that the Registry is following a peculiar procedure. Whenever the Registry finds that an Advocate-on-Record appearing for the party has been designated as a Senior Advocate, mechanically, a notice for making an alternative arrangement is issued to the party concerned. There are number of cases where the notice is not served which results into delay in disposal of the cases.
3. The Registry, pursuant to our earlier order, has submitted a report dated 24th January, 2025. We have perused the said report.

In the report, the Registry has relied upon certain practice circulars. The dates of the practice circulars relied upon are prior to the date on which the Supreme Court Rules, 2013 (for short, "the 2013 Rules") came into force. In terms of the notification dated 27th May, 2014 issued in the Official Gazette by the Hon'ble Chief Justice of India, in accordance with sub-Rule (2) of Rule 1 of Order I of the 2013 Rules, the 2013 Rules have come into force with effect from 19th August, 2014. Obviously, after coming into force of the 2013 Rules, any practice circular/direction which is inconsistent with the specific Rules cannot be implemented.

4. Our attention is invited to Rule 18 of Order IV of the 2013 Rules. Rule 18 of Order IV reads thus:

"18. An advocate-on-record who, on being designated as a senior advocate or on being appointed as a Judge or for any other reason ceases to be an advocate-on-record for any party in a case shall forthwith inform the party concerned that he has ceased to represent the said party as advocate-on-record in the case. The senior advocate, so designated, shall not appear as senior advocate till he reports to the Registry that parties represented by him earlier have been so informed of his designation as senior advocate and that necessary arrangements have been made for the parties to make appearance before the Court in all the cases represented by him till then."

5. Rule 18 incorporates a mandatory provision that a Senior Advocate, so designated, shall not appear as a Senior Advocate till he reports to the Registry that the parties represented by him earlier have been so informed of his designation as a Senior Advocate and that necessary arrangements have been made for the parties to make appearance before the Court in all the cases

represented by him till then. This Rule incorporates multiple obligations on an Advocate-on-Record designated as a Senior Advocate. The first obligation is that the Advocate-on-Record has to inform his clients of his designation as a Senior Advocate. The second obligation is to report to the Registry that the parties represented by him in all the cases have been so informed and that necessary arrangements have been made for the parties to make appearance before the Court in all the cases represented by him till then. Thus, an Advocate-on-Record, who is designated as a Senior Advocate, cannot appear in any case as a Senior Advocate unless he submits a report to the Registry of making a compliance with Rule 18 of Order IV of the 2013 Rules.

6. In fact, even before the 2013 Rules came into existence, this Court in the case of *Papanna & Anr. vs. State of Karnataka & Ors.*¹ taken a view as under:

"1. ...As a matter of fact, it is the professional duty of the counsel, on being designated as Senior Advocate, to intimate that fact to all his clients and request them to make alternative arrangements to engage another advocate-on-record. It is no part of the duty of this Court to inform the parties. ..."

7. Thus, even before Rule 18 of Order IV came on the Rule Book, this Court has in no uncertain terms laid down that it is the professional duty of the counsel on being designated as a Senior Advocate to intimate that fact to all his clients and request them to make alternative arrangements. This Court in so many words held that it is no part of the duty of the Court to inform the parties.

1 (1996) 1 SCC 291

8. We must ensure that Rule 18 of Order IV is strictly implemented. We, therefore, direct the Registrar (Judicial) to submit a report to this Court as to how many Advocates-on-Record who are designated as Senior Advocates on or from 1st January, 2024 till date have complied with the requirements of Rule 18 of Order IV of the 2013 Rules by submitting a report as contemplated by the said Rule.

9. If the Registrar (Judicial) finds that certain Advocates-on-Record who have been designated as Senior Advocates have not submitted a report to the Registry as required by Rule 18 of Order IV, the Registry shall invite attention of the said Advocates-on-Record to the fact that they cannot appear in this Court as Senior Advocates. The Registrar (Judicial) to file a compliance report by 27th February, 2025. The compliance report shall state the names of the Advocates-on-Record who have not complied with the requirements as contemplated under Rule 18 of Order IV of the 2013 Rules as well as the law laid down by this Court in the case of *Papanna* (supra).

10. While we say so, we must add here that even if there is no obligation of the Court to give intimation to the parties that their Advocate-on-Record has been designated as a Senior Advocate, in a fit case, this Court can always exercise discretion of issuing a notice to a party who is found to be unrepresented.

11. As there is nothing confidential in the report dated 24th January, 2025 submitted by the Registrar (Judicial), the same need not be kept in a sealed envelope.

12. List the Appeal on 28th February, 2025 for considering the compliance report of the Registrar (Judicial).

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)