

SC No. 162/20

State v. Brij Mohan Sharma @ Gabbar & ors.

FIR No. 95/20

PS New Usmanpur

07.04.2025 (At 12.13 p.m.)

Present: **Sh. Madhukar Pandey**, ld. Special PP for State.
Sh. Daksh and Sh. Sulabh, advocates/associates of
ld. SPP.

Accused Brij Mohan Sharma, Sunny @ Lala, Pankaj Shukla and Rohit Shukla in person, on bail.

Sh. Anil Kumar Goswami, ld. counsel for accused Pankaj and Rohit Shukla.

Sh. Jitender Bakshi, ld. counsel for accused Sunny @ Lala.

Ms. Priyanka Jain, advocate authorized by **Sh. Nishant Kumar Tyagi**, ld. counsel for accused Brij Mohan Sharma @ Gabbar.

An authorization letter has been filed by Ms. Priyanka Jain, under signature of Sh. Nishant Kumar Tyagi. Same is taken on record.

PW-24 Insp. Rajeev Kumar further examined and cross examined by Sh. Jitender Bakshi and Ms. Priyanka Jain, advocates. Mr. Anil Goswami submits that main counsel has gone to his native place in emergency this morning itself and, therefore, cross examination cannot be conducted today. Mr. Anil Kumar Goswami, advocate was asked that when he had been appearing as counsel for accused Pankaj Shukla and Rohit Shukla for last several dates, then could not he come prepared for cross examination of the witness? Sh. Anil Kumar Goswami, advocate then retorted back that he is just proxy counsel. He was told regarding his such new submission, and that the ordersheets show that he had been appearing as counsel for both the accused persons in the past. He was also reminded that he himself had introduced himself as counsel, claiming that he had signed vakalatnama for the accused persons. Then, Mr. Anil Kumar Goswami, advocate bluntly retorted back saying that “*koi score settle kar rahe hai kya*” and that “*mujhe kya malum aapne aur*

steno ne *kya likha*”. Such kind of response from Sh. Anil Kumar Goswami, advocate, is shocking and compels me to presume that he has come prepared in the court with some different intentions, and I have no second thought that such conduct on the part of an advocate cannot be termed as professional on the parameters of rules framed by Bar Council. I have checked the record and the vakalatnama for two accused. It mentions the name of Sh. Anil Kumar. Sh. Goswami was asked about his enrollment number and he informs his enrollment as D-9828/22. With this enrollment number, there is no vakalatnama on the record, though there is mention of one Anil Kumar in the vakalatnama alongwith name of Sh. R.S. Goswami, advocate but that refers to a different enrollment number. That vakalatnama for the sake of precaution has been shown to Sh. Anil Kumar Goswami and he confirms that it does not bear his signature thereon. It is unfortunate that till date Sh. Anil Kumar Goswami, got marked his presence as counsel, and today he took a somersault and went on to put blame on the court for marking such presence.

In these circumstances, Sh. Anil Kumar Goswami, advocate cannot be treated as authorized counsel for the accused persons. Hence, cross examination of PW-24 Insp. Rajeev Kumar is being deferred, subject to cost of Rs.2000/- to be paid by each of both accused persons on next date of hearing.

However, the conduct of Sh. Anil Kumar Goswami, advocate bearing enrollment no.D-9828/22 is questionable and objectionable. Hence, same is referred to Bar Council of Delhi as well as to Hon’ble High Court of Delhi, for assement of the same on the parameters of professionalism expected from a lawyer before the court, and on the parameters of scandalising the proceedings before the court, while making some unwarranted

remarks.

The pendrive (taken out during examination of PW-24) is taken back on the record. It was not kept in sealed condition till date and now it is being kept in the same envelope on the record.

Put up for further cross examination of PW-24 on 26.04.2025. Last opportunity is given for the same. Both accused have been informed that they should appear with their counsel on next date of hearing.

(PULASTYA PRAMACHALA)
ASJ-03(NE)/KKD Courts/Delhi
07.04.2025