HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Revision Petition No. 13/2026

V
K
G
Jo [redacted]

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. [redacted]

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For Petitioner(s) : Mr. Ravinder Kumar Singh
Mr. Rajpal Singh Rathore

For Respondent(s) : Ms. Manju Choudhary
Mr. N.S. Chandawat, Dy.G.A.
Mr. SriRam Choudhary, AGA

HON'BLE MR. JUSTICE FARJAND ALI
Order

DATE OF CONCLUSION OF ARGUMENTS : 11/02/2026
DATE ON WHICH ORDER IS RESERVED : 11/02/2026
FULL ORDER OR OPERATIVE PART : Full Order
DATE OF PRONOUNCEMENT : 17/02/2026

REPORTABLE

BY THE COURT:-

GRIEVANCE

1. The instant criminal revision petition has been instituted under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter to be referred as "JJ Act"), assailing the judgment dated 17.12.2025 passed in Criminal Appeal No. 16/2025 by the learned Special Judge, POCSO Cases No. 1, Jodhpur Metropolitan. By way of the impugned judgment,

the learned appellate Court has affirmed the orders of learned Juvenile Justice Board, Jodhpur whereby it dismissed the default bail plea raised by the deliquent in a matter arising out of offences punishable under Sections 64(2)(m) and 308(2) of the Bharatiya Nyaya Sanhita (hereinafter to be referred as "BNS"), as also Sections 5(j)(ii)/6 and 5(l)/6 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 (hereinafter to be referred as "POCSO Act"). The impugned orders dated 29.11.2025 and 08.12.2025 passed by the learned Juveline Justice Board, Jodhpur were affirmed.

BRIEF FACTS OF THE CASE

2. The brief facts of the case, shorn of unnecessary details, are that an FIR No. 193/2025 came to be registered at Police Station Luni, Jodhpur, at the instance of respondent No. 2, alleging that about three months prior to the lodging of the report, the present petitioner "V", a child in conflict with law, along with co-accused Rakesh, committed gang rape upon her and extended threats of dire consequences.

2.1 It is further stated that upon medical examination conducted on 19.08.2025, the prosecutrix was found to be pregnant of about two months, whereafter the report was lodged. The petitioner was apprehended on 28.08.2025 and has since been confined in the Child Welfare Centre, Jodhpur. His first application under Section 12 of the JJ Act was rejected on 03.09.2025. Upon completion of 90 days from the date of apprehension, the petitioner preferred a second application seeking statutory/default bail, which came to

be rejected by the Juvenile Justice Board on 29.11.2025 on the premise that the charge-sheet had been filed on 21.11.2025 within the stipulated period. A subsequent application on merits was also rejected on 08.12.2025. The appeal preferred thereagainst was dismissed by the learned Special Judge, POCSO Act No. 1, Jodhpur Metropolitan, vide judgment dated 17.12.2025.

2.2 It is the case of the petitioner that there exists a material discrepancy between the charge-sheet initially made available and the certified copy subsequently supplied, giving rise to a serious doubt regarding the prosecution's conduct. Being aggrieved by the order of learned Board and appellate judgment, the present criminal revision petition has been preferred.

OBSERVATION OF THIS COURT

3. Heard learned counsel appearing on behalf of the parties and perused the material available on record.

4. After perusing the record available on record, it is evident that the present case pertains to a plea of statutory/default bail raised at the instance of the delinquent before the learned Juvenile Justice Board. It was contended that the delinquent was taken into detention on 28.08.2025 and, in view of the mandate of law, the investigation was required to be completed and the charge-sheet must be filed within a period of ninety days. As per the defence plea, no charge-sheet was filed within the stipulated period. Upon expiry of ninety days, the delinquent moved an application under Section 187 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter to be referred as "BNSS") seeking default bail

on the ninety-second day. However, vide order dated 29.11.2025, the learned Juvenile Justice Board dismissed the application for default bail on the premise that the charge-sheet had already been filed on 21.11.2025 well within the prescribed period.

4.1. This Court has carefully and chronologically examined the entire record, including the alleged charge-sheet dated 21.11.2025, the order-sheet dated 24.11.2025, the bail proceedings dated 28.11.2025 and 29.11.2025, as well as the subsequent orders passed by this Court on 30.01.2026 and 04.02.2026, and the explanations furnished on 02.02.2026 and 07.02.2026 respectively. For the sake of clarity and better appreciation, the circumstances giving rise to the present doubt are set out hereinbelow in chronological sequence, along with the observations of this Court:-

(i) Registration of FIR and Facts of Custody

(a) An FIR No. 193/2025 was registered at Police Station Luni on 23.08.2025 for offences under Sections 308(2) and 64(2)(m) of the BNS and Sections 5(i)(ii), 5(l) and 6 of the POCSO Act. The accused is admittedly a juvenile aged 17 years and 8 months and has remained in continuous custody since his apprehension.

(b) As per Section 187(2) of the BNSS, where investigation is not completed within 90 days in cases punishable with imprisonment of ten years or more, the accused acquires an indefeasible statutory right to be released on bail upon expiry of the prescribed period, provided he is prepared to furnish bail. In the present case, 90 days from the date of his detention expired

on 21.11.2025. Upon expiry of the said period, the statutory right to default bail stood accrued in favour of the juvenile.

(ii) Alleged Filing of Charge-Sheet on 21.11.2025

(a) It is the stand of the learned Magistrate that the charge-sheet was filed on 21.11.2025. However, there is no contemporaneous judicial order-sheet dated 21.11.2025 recording such filing. No judicial noting of that date reflects that the charge-sheet was taken on record. The only document subsequently relied upon is an endorsement on the reverse of the charge-sheet cover page, made by the learned Magistrate himself, stating that the charge-sheet was presented on 21.11.2025. Significantly, this endorsement is not that of any clerk or reader but is stated to be of the Presiding Officer himself, which renders the circumstance self-conflicting in the absence of a supporting order-sheet. In criminal judicial proceedings, every action is required to be reflected in the order-sheet. The absence of any order-sheet dated 21.11.2025 recording filing of the charge-sheet is the first circumstance that casts serious doubt.

iii) Order-Sheet dated 24.11.2025

(a) An order-sheet dated 24.11.2025 has been placed on record, which contains the following recital among other facts:-

"अधिवक्ता किशोर द्वारा पृथक से एक जमानत प्रार्थना-पत्र पेश किया, जिस पर आदेश पृथक से लिखाया जाकर अस्वीकार कर खारिज किया गया। किशोर की ओ.एच. अवधि 05.12.2025 तक बढ़ाई जाती है।"

(b) This recital states that Learned counsel for the juvenile separately submitted a bail application, upon which a separate order was passed and the same was rejected and dismissed. The O.H. (Observation Home) period of the juvenile is extended till 05.12.2025. However, as per the admitted record, the bail application was presented on 28.11.2025 and dismissed on 29.11.2025. Thus, a serious chronological inconsistency emerges, how could an order-sheet dated 24.11.2025 record rejection of a bail application and extension of custody till 05.12.2025 when the bail application itself was presented only on 28.11.2025 and rejected on 29.11.2025. A judicial order cannot precede the very event which gives rise to it. The recording of filing and dismissal of a bail application and its rejection in the order sheet of 24.11.2025, when such event happened on 29.11.2025, is wholly incongruous with the judicial chronology. This circumstance significantly strengthens the suspicion that the order-sheet dated 24.11.2025 is ante-dated.

(iv) Proceedings dated 28.11.2025

(a) On 28.11.2025, the bail application was presented. The order-sheet of that date reveals that the learned Magistrate directed the Public Prosecutor to call for the case diary from the concerned police station. If, as claimed, the charge-sheet had already been filed on 21.11.2025, there was no occasion to call for the case diary on 28.11.2025 instead the file (charge-sheet), if already received on 21.11.2025, should be directed to attach with bail plea so as to complete the period. This action is inconsistent

with the assertion that the investigation had already culminated in filing of the charge-sheet.

(v) Order dated 29.11.2025

(a) On 29.11.2025, the bail application was dismissed on the ground that the charge-sheet had been filed on 21.11.2025. Thus, the fact that the bail was dismissed on 29.11.2025 cannot be written in the order sheet of 24.11.2025, because this fact never existed till that date. It appears from the record that the order purportedly dated 24.11.2025, which this Court is now confronted with, finds no reference whatsoever in the subsequent detailed order dated 29.11.2025 in which the default bail was rejected. Had the proceedings of 24.11.2025 in fact taken place in the manner now suggested, namely, that the charge-sheet was presented, cognizance was taken by the Court itself, and a detailed judicial order-sheet running into one full page was recorded, then, in the ordinary and natural course of judicial functioning, the said order would have found specific and unequivocal mention in the subsequent order dated 29.11.2025. More particularly, the order dated 29.11.2025, whereby the prayer for default bail came to be dismissed, is founded precisely upon the assertion that the charge-sheet had already been presented. If that be so, it was incumbent upon the Court, while dismissing the application for default bail, to expressly record that a detailed order-sheet dated 24.11.2025 had already been drawn up reflecting the presentation of the charge-sheet on 21.11.2025 and passing an order taking of cognizance. However, there is not even

a whisper of reference to the alleged order dated 24.11.2025 in the detailed order dated 29.11.2025. The silence of the record on this material aspect assumes significance. Taking cognizance of an offence is not a ministerial act to be performed by a clerk or reader; it is a solemn judicial function to be discharged by the Presiding Officer upon due application of mind. When such cognizance is taken and a detailed judicial order is recorded, the same necessarily becomes part of the continuum of judicial proceedings and would ordinarily be adverted to in any subsequent order dealing with the rights of the accused particularly where the rejection of default bail hinges upon the very factum of filing of the charge-sheet and taking of cognizance. In these circumstances, the absence of any reference to the alleged order dated 24.11.2025 in the detailed order dated 29.11.2025 lends credence to the prima facie inference that, till 29.11.2025, no such order-sheet dated 24.11.2025 was in existence on the judicial record. This aspect, therefore, raises serious concerns touching upon the integrity and continuity of the judicial record, which cannot be lightly brushed aside.

(vi) Order dated 08.12.2025

(a) It is further borne out from the record that on 08.12.2025, the Presiding Officer himself acknowledged that reference to rejection of a bail application was wrongly incorporated in the order-sheet dated 24.11.2025 mistakenly. However, this Court finds itself unable to accept such explanation as a mere typographical or clerical error. A typographical error, by its very

nature, is confined to mistakes in spelling, dates, figures, or accidental slips of expression. It cannot extend to incorporation of a substantive judicial fact which was not in existence on the date of the order. The recording in the order-sheet dated 24.11.2025 that a bail application was presented and rejected by a separate order is not a minor clerical slip, but a categorical recital of a judicial event. Significantly, the record reflects that the petitioner preferred the bail application only between 28.11.2025 and 29.11.2025. If that be so, the very mention of its presentation and rejection in an order-sheet dated 24.11.2025 defies logic and chronology. A judicial record cannot anticipate a future event, nor can proceedings yet to occur find place in an earlier order-sheet. This chronological impossibility strikes at the root of the explanation sought to be offered. To describe such incorporation of a non-existent and future judicial act as a "typographical error" is, prima facie, wholly untenable. The matter is not of an inadvertent mis-typing of a word or date; it concerns the recording of a judicial proceeding which, on the face of the record, had not taken place as on 24.11.2025. Further, by recalling the said order on 08.12.2025, the learned Magistrate has, prima facie, not dispelled the doubt but rather fortified it. The recall order unmistakably clarifies that the reference made on 24.11.2025 pertained to the rejection of a bail application which came to be decided on 29.11.2025, and not to any prior bail application. This subsequent clarification, instead of curing the defect, lends credence to the apprehension that the earlier recording was not an innocent

mistake but a conscious insertion. Such an inconsistency disturbs the conscience of this Court, for judicial orders are expected to reflect accuracy, transparency, and fidelity to actual proceedings. The integrity of the judicial record is sacrosanct, and any unexplained deviation from chronological and factual correctness cannot be lightly glossed over under the guise of clerical inadvertence. In these circumstances, the explanation offered does not inspire confidence and warrants serious consideration.

(vii) Order of this Court dated 30.01.2026 and Reply dated 02.02.2026

(a) Upon noticing these discrepancies, this Court vide order dated 30.01.2026 specifically observed that there was no endorsement on record reflecting filing of the charge-sheet on 21.11.2025, nor was there any judicial note evidencing such filing. Clarification was sought, particularly as to why the case diary was called on 28.11.2025 if the charge-sheet had already been submitted on 21.11.2025. In reply dated 02.02.2026, the learned Magistrate stated that the charge-sheet had been received on 21.11.2025 and that on 28.11.2025 the bail application was presented. It was further stated that due to absence of clerical staff, correct information could not be reflected. However, in this detailed reply, there is no reference whatsoever to the order-sheet dated 24.11.2025, though this Court had specifically asked whether any judicial note or order-sheet existed showing filing of charge-sheet on 21.11.2025. The omission of reference to such a crucial order-sheet, if it indeed existed, materially deepens the

suspicion. In the entire reply forwarded by him to this Court, there is not even a whisper regarding the existence of order-sheet dated 24.11.2025, containing the factum of submission of the charge-sheet and the taking of cognizance was duly reported and recorded in the proceedings. Despite a pointed query raised by this Court in this regard, there is not even the slightest reference or explanation pertaining to the same. This gives rise to a serious and legitimate doubt regarding the veracity of the stand taken.

(viii) Order of this Court dated 04.02.2026 and Reply dated 07.02.2026

(a) Again, vide order dated 04.02.2026, this Court required clarification whether there was any endorsement either on the charge-sheet itself or on a separate order-sheet showing filing on 21.11.2025. In reply dated 07.02.2026, a copy of the reverse side of the charge-sheet cover page bearing endorsement dated 21.11.2025 by the Presiding Judge himself was produced. Yet again, there is no mention of the order-sheet dated 24.11.2025. The consistent omission of the order-sheet dated 24.11.2025 in both replies, despite specific queries, reinforces the apprehension that the said order-sheet was not in existence at the relevant time and appears to have been subsequently prepared.

(ix) Statement of the Prosecutrix recorded on 09.01.2026

(a) During the trial/inquiry before the Special Judge, POCSO Act, on oath statement of the prosecutrix came to be recorded under due process of law. In her solemn narration, she, in substance, stated as follows:-

"That approximately one year prior to the lodging of the report, she had gone outside her house in the early hours for easing herself. At that time, the one Rakesh appeared there. She stated that the maternal home of the accused is situated just opposite her residence and, as such, he used to frequently visit the village, owing to which she was acquainted with him. She further deposed that on the date of the incident, the maternal uncle of Rakesh had passed away and therefore he had come to the village. It is alleged that while she was returning home after relieving herself, the accused intercepted her on the way, forcibly caught hold of her, threw her to the ground and committed sexual assault upon her against her will and consent. Thereafter, the accused extended a grave and life-threatening intimidation, warning her that if she disclosed the incident to anyone, he would kill her, her brother and her mother. Having administered such threat, he fled from the spot, leaving her in a state of trauma and fear. She further stated that owing to the terror instilled by the accused, she did not muster the courage to disclose the occurrence to any family member at that time. However, after a lapse of about four months, she confided in her mother and disclosed the entire episode. She also informed her mother that she had conceived as a consequence of the said incident.

> Thereafter, her mother apprised her uncle of the matter, and subsequently she was taken to Jodhpur to her elder uncle. In due course, she was brought to Police Station Luni, where a formal report came to be lodged."

(b) The aforesaid statement, read in its entirety, reflects the sequence of events as narrated by the prosecutrix and forms the substratum of the prosecution case. A meticulous reading of the statement of the prosecutrix, as reproduced hereinabove, unmistakably reveals that throughout her entire narration, she has not attributed any role whatsoever to the present petitioner, who is a child in conflict with law. The only individual specifically named in her statement is Rakesh, who stands as the co-accused in the matter. Not even by implication, whisper, or remote reference has the prosecutrix adverted to the presence or participation of the present petitioner at the time of the alleged occurrence. The substratum of her version, as it unfolds, is confined exclusively to the acts allegedly committed by the said Rakesh. In such circumstances, when the foundational statement of the prosecutrix, which constitutes the bedrock of the prosecution case, does not so much as mention the petitioner, the inference that the petitioner was not present at the scene of occurrence gains considerable strength. The absence of any specific allegation or overt act attributed to him renders his implication prima facie doubtful at this stage. This glaring omission, therefore, assumes substantial significance while

considering the prayer for bail. The liberty of a child in conflict with law cannot be curtailed on conjectures or omnibus allegations, particularly when the principal witness does not implicate him in any manner. Consequently, this aspect fortifies the petitioner's claim for enlargement on bail.

(x) Legal Position

(a) Section 187(3) of the BNSS embodies what may be described as a statutory reaffirmation of the constitutional promise of personal liberty under Article 21. The provision stipulates that where an investigation is not completed within the prescribed period, namely, ninety days in cases where the offence is punishable with death, imprisonment for life, or imprisonment for a term of not less than ten years, and sixty days in all other cases, the accused shall be released on bail if he is prepared to and does furnish bail. The legislative intent is manifest, investigative authority must operate within temporal discipline; it cannot, under the guise of inquiry, convert custody into punitive detention. The Supreme Court, while interpreting the analogous provision under Section 167(2) of the erstwhile CrPC, has consistently underscored that the right accruing upon expiry of the statutory period is not merely procedural but "indefeasible." The jurisprudential thread running through the pronouncements by Hon'ble the Suprmee Court of India are unmistakable, once the stipulated period lapses and the accused expresses readiness to furnish bail, the Court is left with no discretion to prolong detention. Section 187(3) is not a technical loophole but a

constitutional sentinel, ensuring that the might of the State remains tethered to the mandate of law, and that personal liberty is not sacrificed at the altar of investigative delay. From the cumulative circumstances, it prima facie appears that as on 24.11.2025, ninety days had elapsed and the charge-sheet had not been filed. In such circumstances, under Section 187(3) BNSS, an indefeasible right to default bail accrues, as laid down by the Hon'ble Supreme Court in **Uday Mohanlal Acharya vs. State of Maharashtra** reported in 2001 (5) SCC 453. Default bail is not a matter of discretion but a legislative mandate. Once the statutory conditions are satisfied and the right is invoked, the Court is bound to enforce it. The failure to recognise and enforce such right, particularly in the case of a juvenile, amounts to a serious infraction of personal liberty guaranteed under Article 21 of the Constitution of India. Additionally, the accused being a juvenile, Section 12 of the Juvenile Justice Act mandates that bail is the rule and denial is an exception. No statutory ground justifying denial of bail is discernible from the record. The cumulative inconsistencies in the judicial record, the absence of contemporaneous order-sheet entries, the contradictory conduct in summoning the case diary, and the evolving explanations furnished in response to specific judicial queries give rise to strong and disquieting suspicion. The matter does not appear to be confined to a mere typographical or clerical error. Maintenance of judicial record is not a procedural ritual but the very foundation of transparency and accountability. Public confidence in the justice

delivery system rests upon the assurance that judicial proceedings are accurately, chronologically, and faithfully recorded. Any lapse, whether arising from inadvertence, negligence, or otherwise which affects the liberty of a citizen, particularly a juvenile, must be viewed with utmost seriousness.

(xi) Judicial Conduct

(a) No doubt, the offence alleged may be grave and serious in nature; however, the gravity of the offence cannot justify an approach that transgresses the settled norms of judicial propriety. A judicial officer, while adjudicating a prayer for bail, is expected to act with detachment, sobriety, and complete fidelity to the record. The anxiety to deny bail, howsoever weighty the allegations may appear, cannot eclipse the foundational principles of truthfulness, fairness, and institutional integrity. The Court cannot countenance a situation where, in order to sustain rejection of bail, facts are either sought to be concealed or an explanation is advanced which does not withstand objective scrutiny. Over-enthusiasm on the part of a Magistrate, whether in withholding material aspects of the record or in offering explanations inconsistent with chronology is neither appreciable nor consistent with the high standards expected of the judicial office. The judicial function demands calm application of mind, not defensive justification; transparency, not concealment; and candour, not contradiction. If an error has occurred, the dignified course is to acknowledge and correct it in accordance with law. The preparation or reliance upon a note that appears to

retrospectively justify an order, or the furnishing of an explanation which attributes a substantive judicial recital to a mere clerical lapse, strikes at the very root of judicial discipline. The majesty of the judicial institution lies not in the rejection of bail, but in the fairness of the process by which such rejection is arrived at. Judicial conscience must remain unsullied, and the record must remain sacrosanct. Any departure from these foundational principles is a matter of serious concern and cannot be lightly brushed aside.

(xii) Constitutional Perspective

(a) The continued detention of the juvenile despite accrual of the statutory right also falls foul of Article 21 of the Constitution of India, which guarantees that no person shall be deprived of his life or personal liberty except according to procedure established by law. When the law itself mandates release upon expiry of the prescribed period, continued incarceration becomes illegal and arbitrary. The issue assumes even greater sensitivity in the case of a juvenile. The statutory framework is reformative in character and child-centric in approach. Denial of liberty in disregard of a clear statutory mandate is contrary not only to the letter of the law but also to its humane spirit.

(xiii) Scope of Inquiry against the Judicial officer

(a) The scope of an inquiry against a judicial officer is neither punitive in its inception nor condemnatory in its tone; it is essentially fact-finding in character, undertaken to preserve the purity of the judicial institution. Such an inquiry does not sit in

appeal over the judicial reasoning of the officer, nor is it meant to scrutinize the correctness of an order on merits, which is the domain of appellate or revisional jurisdiction. The inquiry is confined to examining whether there has been any conduct unbecoming of a judicial officer, any procedural impropriety of a grave nature, any act suggestive of mala fides, fabrication, or deliberate deviation from the record, or any behaviour that shakes public confidence in the administration of justice. It must remain circumscribed by the principles of natural justice, ensuring full opportunity to the concerned officer to explain the circumstances appearing against him or her. At the same time, the inquiry must be sufficiently robust to ascertain the truth, for the majesty of law rests not merely on the correctness of outcomes but on the transparency and integrity of the process. Thus, the exercise is a delicate balance, protecting judicial independence on the one hand, while safeguarding institutional credibility and accountability on the other.

(b) This Court is fully conscious of the settled principle that an order passed by a subordinate court is not to be lightly condemned by the superior courts while exercising its jurisdiction, since it transgress the bounds of judicial propriety. The discipline of hierarchy mandates restraint, and this Court, while dealing with the present matter, remains alive to that salutary principle. However, judicial restraint cannot be stretched to the extent of shutting one’s eyes to glaring and patent wrongdoing and irregularities that strike at the very root of the administration of

criminal justice. Upon a careful and anxious perusal of the material placed on record, this Court finds certain blatant discrepancies and procedural aberrations on the part of the Presiding Judge, which prima facie create a cloud of doubt over the sanctity of the proceedings. In criminal jurisprudence, the cardinal principle is that an accused cannot be convicted on the basis of doubt; the prosecution must establish its case beyond reasonable doubt. Here, the irony is that the doubt is not in the prosecution case alone but appears to emanate from the manner in which certain proceedings were conducted. When material of such nature surfaces before this Court, giving rise to a strong and disturbing impression that, in order to justify a particular course adopted, documents may have been brought into existence which were not originally part of the record, the matter cannot be brushed aside as a mere irregularity but to my mind, it seems to be a case of fabrication of false document prepared only with a view to justify the stand taken. This Court is perceiving a serious doubt in this regard. If such documents were indeed created subsequently, the same may fall within the ambit of making a false document or fabrication of record, an issue of grave concern. That being said, this Court hastens to clarify, with a sense of judicial balance, that it is not recording any final or conclusive finding on the culpability of any judicial officer at this stage. Even before adverting to the expression of any suspicion or doubt, this Court has, with utmost circumspection and judicial restraint, minutely examined the record and the attending circumstances.

The officer concerned was duly heard, not once but on two distinct occasions, and was afforded adequate opportunity to furnish an explanation. It is made clear that no observation has been recorded lightly or in a casual manner. This Court is conscious that even the expression of a doubt carries its own weight and consequences; therefore, such doubt has not been articulated without prior hearing and careful scrutiny. The present observations are thus not founded on any loose or conjectural premise, but are preceded by due consideration, vigilance, and adherence to the principles of natural justice. The principles of natural justice are not empty formalities. No adverse conclusion can be drawn unless a fair and impartial inquiry is conducted and the concerned officer is afforded a full opportunity to explain the circumstances. Nevertheless, the material on record is sufficient to persuade this Court that an independent inquiry is warranted so that the truth is unearthed and the lingering doubt is dispelled. Doubt, when it creeps into the record of a court, must either be substantiated through due process or decisively eliminated; but in no way be allowed to remain festering.

(c) In **Krishna Prasad Verma (D) thr. L.Rs. Vs. State of Bihar and Ors.** reported in (2019) 10 SCC 640, the Hon'ble Supreme Court reiterated the well-settled contours of disciplinary jurisdiction under Article 235 of the Constitution. The Court cautioned that mere error of judgment, legality, propriety or correctness of an order cannot, by themselves, form the foundation of disciplinary action, unless accompanied by

extraneous considerations, corrupt motive or misconduct. For the ease of reference, the relevant paragraphs of the judgment are reproduced herein below:-

> "3. Article 235 of the Constitution of India vests control of the subordinate Courts upon the High Courts. The High Courts exercise disciplinary powers over the subordinate Courts. In a series of judgments, this Court has held that the High Courts are also the protectors and guardians of the judges falling within their administrative control. Time and time again, this Court has laid down the criteria on which actions should be taken against judicial officers. Repeatedly, this Court has cautioned the High Courts that action should not be taken against judicial officers only because wrong orders are passed. To err is human and not one of us, who has held judicial office, can claim that we have never passed a wrong order.
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> 4. No doubt, there has to be zero tolerance for corruption and if there are allegations of corruption, misconduct or of acts unbecoming a judicial officer, these must be dealt with strictly. However, if wrong orders are passed that should not lead to disciplinary action unless there is evidence that the wrong orders have been passed for extraneous reasons and not because of the reasons on the file.
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> 5. We do not want to refer to too many judgments because this position has been laid down in a large number of cases but it would be pertinent to refer to the observations of this Court in Ishwar Chand Jain v. High Court of Punjab & Haryana and Anr. (1988) 3 SCC 370, wherein this Court held as follows:
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> > 14. Under the Constitution the High Court has control over the subordinate judiciary. While exercising that control it is under a constitutional obligation to guide and protect judicial officers. An honest strict judicial officer is likely to have adversaries in the mofussil courts. If complaints are entertained on trifling matters relating to judicial orders which may have been upheld by the High Court on the judicial side no judicial officer would feel protected and it would be difficult for him to discharge his duties in an honest and independent manner. An independent and honest judiciary is a sine qua non for Rule of law. If judicial officers are under constant threat of complaint and enquiry on trifling matters and if High Court encourages anonymous complaints to hold the field the subordinate judiciary will not

> be able to administer justice in an independent and honest manner. It is therefore imperative that the High Court should also take steps to protect its honest officers by ignoring ill-conceived or motivated complaints made by the unscrupulous lawyers and litigants. Having regard to facts and circumstances of the instant case we have no doubt in our mind that the resolution passed by the Bar Association against the Appellant was wholly unjustified and the complaints made by Shri Mehlawat and others were motivated which did not deserve any credit. Even the vigilance Judge after holding enquiry did not record any finding that the Appellant was guilty of any corrupt motive or that he had not acted judicially. All that was said against him was that he had acted improperly in granting adjournments.

6. Thereafter, following the dicta laid down in Union of India and Ors. v. A.N. Saxena (1992) 3 SCC 124 and Union of India and Ors. v. K.K. Dhawan (1993) 2 SCC 56, this Court in P.C. Joshi v. State of U.P. and Ors. (2001) 6 SCC 491 held as follows:

> 7. In the present case, though elaborate enquiry has been conducted by the enquiry officer, there is hardly any material worth the name forthcoming except to scrutinize each one of the orders made by the Appellant on the judicial side to arrive at a different conclusion. That there was possibility on a given set of facts to arrive at a different conclusion is no ground to indict a judicial officer for taking one view and that too for alleged misconduct for that reason alone. The enquiry officer has not found any other material, which would reflect on his reputation or integrity or good faith or devotion to duty or that he has been actuated by any corrupt motive. At best he may say that the view taken by the Appellant is not proper or correct and not attribute any motive to him which is for extraneous consideration that he had acted in that manner. If in every case where an order of a subordinate court is found to be faulty a disciplinary action were to be initiated, the confidence of the subordinate judiciary will be shaken and the officers will be in constant fear of writing a judgment so as not to face a disciplinary enquiry and thus judicial officers cannot act independently or fearlessly. Indeed the words of caution are given in K.K. Dhawan case and A.N. Saxena case that merely because the order is wrong or the action taken could have been different does not warrant initiation of disciplinary proceedings against the judicial officer. In spite of such caution, it is unfortunate that the High Court has chosen to initiate disciplinary proceedings against the Appellant in this case.

7. In Ramesh Chander Singh v. High Court of Allahabad and Anr. (2007) 4 SCC 247, a three-judge Bench of this Court, after considering the entire law on the subject, including the authorities referred to above, clearly disapproved the practice of initiating disciplinary proceedings against the officers of the district judiciary merely because the judgment/orders passed by them are wrong. It was held thus:

> 12. This Court on several occasions has disapproved the practice of initiation of disciplinary proceedings against officers of the subordinate judiciary merely because the judgments/orders passed by them are wrong. The appellate and revisional courts have been established and given powers to set aside such orders. The higher courts after hearing the appeal may modify or set aside erroneous judgments of the lower courts. While taking disciplinary action based on judicial orders, The High Court must take extra care and caution.
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> 17. In Zunjarrao Bhikaji Nagarkar v. Union of India this Court held that wrong exercise of jurisdiction by a quasi judicial authority or mistake of law or wrong interpretation of law cannot be the basis for initiating disciplinary proceeding. of course, if the judicial officer conducted in a manner as would reflect on his reputation or integrity or good faith or there is a prima facie material to show recklessness or misconduct in discharge of his duties or he had acted in a manner to unduly favour a party or had passed an order actuated by corrupt motive, the High Court by virtue of its power Under Article 235 of the Constitution may exercise its supervisory jurisdiction. Nevertheless, under such circumstances it should be kept in mind that the Judges at all levels have to administer justice without fear or favour. Fearlessness and maintenance of judicial independence are very essential for an efficacious judicial system. Making adverse comments against subordinate judicial officers and subjecting them to severe disciplinary proceedings would ultimately harm the judicial system at the grassroot level.

8. No doubt, if any judicial officer conducts proceedings in a manner which would reflect on his reputation or integrity or there is prima facie material to show reckless misconduct on his part while discharging his duties, the High Court would be entitled to initiate disciplinary cases but such material should be evident from the orders and should also be

placed on record during the course of disciplinary proceedings."

From bare perusal of the judgment, it is evident that Article 235 of the Constitution entrusts the High Court not only with control over the subordinate judiciary, but also with the solemn responsibility of ensuring that such control is exercised to preserve the purity and integrity of the institution.

(d) At the outset, this Court deems it necessary to clarify that the present proceedings are not directed towards examining the legality, propriety, correctness or justness of the impugned order on its judicial side. Those aspects fall within the supervisory and appellate jurisdiction of the superior courts and can always be corrected in accordance with law. An erroneous or even an improper order, by itself, may not warrant anything beyond correction or, at best, a word of caution for future guidance. However, the matter at hand presents a situation of an altogether different hue. Upon a careful and anxious consideration of the material placed on record, this Court cannot remain oblivious to what unmistakably emanates from the impugned order. A foul and disturbing undertone pervades the record, suggestive not merely of a flawed exercise of jurisdiction, but of acts which prima facie appear to attract the ingredients of an offence expressly defined under the penal statute. The nature of the acts complained of does not rest in the realm of judicial error; rather, they bear the imprint of culpability. We are, therefore, not merely constrained but compelled to examine the matter. To remain passive in the

face of such material would amount to abdication of the constitutional duties cast upon this Court. While it is true that an improper order may, in a given case, be ignored or corrected in the ordinary course, the situation assumes a grave dimension when the record discloses conduct which is prima facie unethical, unbecoming of a judicial officer, and suggestive of commission of a cognizable wrong. In such circumstances, to turn a blind eye would itself run counter to constitutional obligation. The impugned order, if left unaddressed, has the potential to erode the faith of citizens who repose unwavering trust in the sanctity and sacredness of the judicial institution. Public confidence in the administration of justice is not sustained merely by pronouncements of law, but by the unimpeachable conduct of those who dispense it. This case, therefore, stands on a footing far more serious than what is contemplated in **paragraph 8 of Krishna Prasad Verma (supra)**. It is not a matter of mere error, oversight or mistaken interpretation; the circumstances, as presently emerging, compel this Court to scrutinize whether the conduct travels into the domain of malfeasance. Where the material prima facie indicates commission of an offence or deliberate misconduct to justify an action already undertaken, constitutional conscience does not permit inaction. Accordingly, while this Court remains ever vigilant to protect honest judicial officers from motivated or trivial complaints, it is equally duty-bound to act where the integrity of the institution itself appears to be imperilled.

(e) Moving on, in **Ayub Khan vs. The State of Rajasthan** reported in AIR 2025 SC 419, Hon,ble the Supreme Court once again reiterated the settled principle that judicial officers ought not to be subjected to personal criticism in judicial pronouncements. In the said matter, the Court deemed it appropriate to expunge the adverse remarks made against the judicial officer, observing that while judicial orders are open to scrutiny and correction in accordance with law, personal aspersions against the officer concerned are neither warranted nor conducive to the dignity of the institution. The Hon'ble Court emphasized that restraint, sobriety and judicial discipline must guide the language employed in judgments, and that criticism, if any, must be confined to the reasoning or legality of the order under challenge, without descending into personal commentary upon the officer concerned. For the ease of reference, the relevant paragraphs of the judgment are reporduced herein below:-

> "17. Injustice has been done to the Appellant by passing the orders which we have referred to above. Before we part with this judgment, we may refer to a decision of this Court in the case of Sonu Agnihotri. In paragraphs Nos. 15 and 16, this Court held thus:
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> > 15. The Courts higher in the judicial hierarchy are invested with appellate or revisional jurisdiction to correct the errors committed by the courts that are judicially subordinate to it. The High Court has jurisdiction Under Article 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure to correct the errors committed by the courts which are judicially subordinate to it. We must hasten to add that no court can be called a "subordinate court". Here, we refer to "subordinate" courts only in the context of appellate, revisional or supervisory jurisdiction. The superior courts exercising such powers can set aside erroneous

orders and expunge uncalled and unwarranted observations. While doing so, the superior courts can legitimately criticise the orders passed by the Trial Courts or the Appellate Courts by giving reasons. There can be criticism of the errors committed, in some cases, by using strong language. However, such observations must always be in the context of errors in the impugned orders. While doing so, the courts have to show restraint, and adverse comments on the personal conduct and calibre of the Judicial Officer should be avoided. There is a difference between criticising erroneous orders and criticising a Judicial Officer. The first part is permissible. The second category of criticism should best be avoided. The reasons are already explained by this Court in Re:'K', A Judicial Officer. There are five reasons given in paragraph 15 of the decision why judicial officers should not be condemned unheard. As observed in the decision, the High Court Judges, after noticing improper conduct on the part of the Judicial Officer, can always invite the attention of the Chief Justice on the administrative side to such conduct. Whenever action is proposed against a judicial officer on the administrative side, he gets the full opportunity to clarify and explain his position. But if such personal adverse observations are made in a judgment, the Judicial Officer's career gets adversely affected.

16. The Judges are human beings. All human beings are prone to committing mistakes. To err is human. Almost all courts in our country are overburdened. In the year 2002, in the case of "All India Judges' Association (3) v. Union of India, this Court passed an order directing that within five years, an endeavour should be made to increase the judge-to-population ratio in our trial judiciary to 50 per million. However, till the year 2024, we have not even reached the ratio of 25 per million. Meanwhile, the population and litigation have substantially increased. The Judges have to work under stress. As stated earlier, every Judge, irrespective of his post and status, is likely to commit errors. In a given case, after writing several sound judgments, a judge may commit an error in one judgment due to the pressure of work or otherwise. As stated earlier, the higher court can always correct the error. However, while doing so, if strictures are passed personally against a Judicial Officer, it causes prejudice to the Judicial Officer, apart from the embarrassment involved. We must remember that when we sit in constitutional courts, even we are prone to making mistakes. Therefore, personal criticism of Judges or recording findings on the conduct of Judges in judgments must be avoided.

(emphasis supplied)

18. The High Court ought to have shown restraint. The High Court cannot damage the career of a judicial officer by

> passing such orders. The reason is that he cannot defend himself when such orders are passed on the judicial side."

(f) Lastly, in this context, reference may profitably be made to the judgment of the Hon'ble Supreme Court in **Kaushal Singh v. State of Rajasthan** (Criminal Appeal No. 3053 of 2025 arising out of SLP (Crl.) No. 2254 of 2025), decided on 18.07.2025, wherein it was emphasized that High Courts must refrain from making adverse personal remarks against judicial officers without affording them an opportunity of explanation. The Hon'ble Court underscored the necessity of maintaining judicial decorum and institutional respect while simultaneously ensuring accountability in accordance with law. For ready reference, the relevant paragraphs of the said judgment are reproduced herein below:–

> "18. Suffice it to say that the law is well-settled by a catena of decisions rendered by this Court that High Courts should ordinarily refrain from passing strictures against the judicial officers while deciding matters on the judicial side. Reference in this regard may be made to in Re: 'K', A Judicial Officer (2001) 3 SCC 54. In paragraphs 15, 16 and 17, this Court dealt with the validity and legality of strictures passed by the High Court against a Judicial Officer serving as a member of the district judiciary which are reproduced hereinbelow for ready reference:
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> 15. In the case at hand we are concerned with the observations made by the High Court against a judicial officer who is a serving member of subordinate judiciary. Under the constitutional scheme control over the district courts and courts subordinate thereto has been vested in the High Courts. The control so vested is administrative, judicial and disciplinary. **The role of High Court is also of a friend, philosopher and guide of judiciary subordinate to it. The strength of power is not displayed solely in cracking a whip on errors, mistakes or failures; the power should be so wielded as to have propensity to prevent and to ensure exclusion of repetition if committed once innocently or unwittingly. "Pardon the error but not its repetition". The power to control is not to be**

exercised solely by wielding a teacher's cane; the members of subordinate judiciary look up to the High Court for the power to control to be exercised with parent-like care and affection. The exercise of statutory jurisdiction, appellate or revisional and the exercise of constitutional power to control and supervise the functioning of the district courts and courts subordinate thereto empowers the High Court to formulate an opinion and place it on record not only on the judicial working but also on the conduct of the judicial officers. **The existence of power in higher echelons of judiciary to make observations even extending to criticism incorporated in judicial orders cannot be denied, however, the High Courts have to remember that criticisms and observations touching a subordinate incorporated judicial in officer judicial pronouncements have their own mischievous infirmities. Firstly, the judicial officer is condemned unheard which is violative of principles of natural justice. A member of subordinate judiciary himself dispensing justice should not be denied this minimal natural justice so as to shield against being condemned unheard. Secondly, the harm caused by such criticism or observation may be incapable of being undone. Such criticism of the judicial officer contained in a judgment, reportable or not, is a pronouncement in open and therefore becomes public. The same Judge who found himself persuaded, sitting on judicial side, to make observations guided by the facts of a single case against a Subordinate Judge may, sitting on administrative side and apprised of overall meritorious performance of the Subordinate Judge, may irretrievably regret his having made those observations on judicial side, the harming effect whereof even he himself cannot remove on administrative side. Thirdly, human nature being what it is, such criticism of a judicial officer contained in the judgment of a higher court gives the litigating party a sense of victory not only over his opponent but also over the Judge who had decided the case against him. This is subversive of judicial authority of the deciding Judge. Fourthly, seeking expunging of the observations by a judicial officer by filing an appeal or petition of his own reduces him to the status of a litigant arrayed as a party before the High Court or Supreme Court - a situation not very happy from the point of view of the functioning of the judicial system. May be for the purpose of pleading his cause he has to take the assistance of a legal practitioner and such legal practitioner may be one practising before him. Look at the embarrassment involved. And last but not the least, the possibility of a single or casual aberration of an otherwise honest, upright and righteous Judge being caught unawares**

in the net of adverse observations cannot be ruled out. Such an incident would have a seriously demoralising effect not only on him but also on his colleagues. If all this is avoidable, why should it not be avoided?

16. We must not be understood as meaning that any conduct of a subordinate judicial officer unbecoming of him and demanding a rebuff should be simply overlooked. But there is an alternate safer and advisable course available to choose. The conduct of a judicial officer, unworthy of him, having come to the notice of a Judge of the High Court hearing a matter on the judicial side, the lis may be disposed of by pronouncing upon the merits thereof as found by him but avoiding in the judicial pronouncement criticism of, or observations on the "conduct" of the subordinate judicial officer who had decided the case under scrutiny. **Simultaneously, but separately, in office proceedings may be drawn up inviting attention of Hon'ble Chief Justice to the facts describing the conduct of the Subordinate Judge concerned by sending a confidential letter or note to the Chief Justice. It will thereafter be open to the Chief Justice to deal with the subordinate judicial officer either at his own level or through the Inspecting Judge or by placing the matter before the full court for its consideration. The action so taken would all be on the administrative side. The Subordinate Judge concerned would have an opportunity of clarifying his position or putting forth the circumstances under which he acted. He would not be condemned unheard and if the decision be adverse to him, it being on administrative side, he would have some remedy available to him under the law. He would not be rendered remediless.**

17. **The remarks made in a judicial order of the High Court against a member of subordinate judiciary even if expunged would not completely restitute and restore the harmed Judge from the loss of dignity and honour suffered by him.** In Judges by David Pannick (Oxford University Press Publication, 1987) a wholesome practise finds a mention suggesting an appropriate course to be followed in such situations:

Lord Hailsham explained that in a number of cases, although I seldom told the complainant that I had done so, I showed the complaint to the Judge concerned. I thought it good for him both to see what was being said about him from the other side of the court, and how perhaps a lapse of manners or a momentary impatience could undermine confidence in his decision.

(Emphasis supplied)

19. The said judgment has been relied on by a 3- Judge bench of this Court in Sonu Agnihotri v. Chandra Shekhar and Ors. 2024:INSC:888 where this Court again implored that the Courts higher in the judicial hierarchy should refrain from commenting on the conduct and calib of judicial officers. Reference may be made to Paragraph 15 of Sonu Agnihotri (supra), reproduced hereinbelow:

> 15. The Courts higher in the judicial hierarchy are invested with appellate or revisional jurisdiction to correct the errors committed by the courts that are judicially subordinate to it. The High Court has jurisdiction Under Article 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure to correct the errors committed by the courts which are judicially subordinate to it. **We must hasten to add that no court can be called a "subordinate court". Here, we refer to "subordinate" courts only in the context of appellate, revisional or supervisory jurisdiction. The superior courts exercising such powers can set aside erroneous orders and expunge uncalled and unwarranted observations. While doing so, the superior courts can legitimately criticise the orders passed by the Trial Courts or the Appellate Courts by giving reasons. There can be criticism of the errors committed, in some cases, by using strong language. However, such observations must always be in the context of errors in the impugned orders. While doing so, the courts have to show restraint, and adverse comments on the personal conduct and calibre of the Judicial Officer should be avoided.** There is a difference between criticising erroneous orders and criticising a Judicial Officer. The first part is permissible. The second category of criticism should best be avoided. The reasons are already explained by this Court in Re: 'K', A Judicial Officer. There are five reasons given in paragraph 15 of the decision why judicial officers should not be condemned unheard. As observed in the decision, **the High Court Judges, after noticing improper conduct on the part of the Judicial Officer, can always invite the attention of the Chief Justice on the administrative side to such conduct. Whenever action is proposed against a judicial officer on the administrative side, he gets the full opportunity to clarify and explain his position. But if such personal adverse observations are made in a judgment, the Judicial Officer's career gets adversely affected.**
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> 16. The Judges are human beings. All human beings are prone to committing mistakes. To err is human. Almost all courts in our country are overburdened. **In the year 2002, in the case of "All India Judges' Association (3) and Ors. v. Union of India and Ors., this Court passed an order directing that within five years, an endeavour**

> **should be made to increase the judge-to-population ratio in our trial judiciary to 50 per million. However, till the year 2024, we have not even reached the ratio of 25 per million. Meanwhile, the population and litigation have substantially increased. The Judges have to work under stress.** As stated earlier, every Judge, irrespective of his post and status, is likely to commit errors. **In a given case, after writing several sound judgments, a judge may commit an error in one judgment due to the pressure of work or otherwise. As stated earlier, the higher court can always correct the error. However, while doing so, if strictures are passed personally against a Judicial Officer, it causes prejudice to the Judicial Officer, apart from the embarrassment involved. We must remember that when we sit in constitutional courts, even we are prone to making mistakes. Therefore, personal criticism of Judges or recording findings on the conduct of Judges in judgments must be avoided.**
> (Emphasis supplied)

20. Furthermore, in the present case, the fact remains that the strictures and/or the scathing observations were made by the learned Single Judge of the High Court to the detriment of the Appellant- Judicial Officer without providing him any opportunity of explanation or showing cause. In addition, thereto, we find that the entire foundation of the High Court's order seems to be based on the judgment in the case of Jugal (supra) which stands reversed by this Court in the case of Ayub Khan v. State of Rajasthan 2024:INSC:994 vide judgment dated 17th December, 2024.

A bare perusal of the judgment itself unmistakably reflects that a superior court, while exercising its constitutional and supervisory jurisdiction, is expected to function not as a fault-finding authority alone, but as a friend, philosopher and guide to the judiciary subordinate to it. The relationship between the superior and subordinate judiciary is founded upon institutional trust, guidance, and corrective supervision, rather than condemnation. Errors of judgment, procedural lapses born out of human fallibility, or inadvertent omissions may, in appropriate circumstances, be pardoned or corrected within the framework of

law. However, any deliberate interference, manipulation with the judicial process particularly with the sanctity of court records or the fairness of proceedings cannot be viewed with leniency. While mistakes may invite correction, any act that tends to undermine the purity of the judicial process strikes at the very root of the administration of justice and, therefore, cannot be ignored or brushed aside under the cloak of judicial discretion.

(g) I am guided by the rulings referred to hereinabove and I am of the considered opinion that errors such as an error of judgment, misappreciation or wrong interpretation of facts and law, aberration or deviation from settled principles, non-application of mind, recording of incorrect or improper conclusions, exceeding jurisdiction, acting beyond jurisdiction, passing an improper, incorrect, illegal or irregular order, or even a wrongful exercise of discretion are essentially curable in nature. Such infirmities, though serious, fall within the realm of judicial error and are amenable to correction by the superior courts by setting aside, modifying or remanding the order in accordance with law; no further directions of a penal or disciplinary nature are warranted, as the error stands rectified by judicial correction alone. However, the controversy at hand does not pertain to a mere erroneous exercise of jurisdiction or an incorrect adjudication on the question of default bail. The issue transcends the boundaries of judicial error. Here, the matter does not rest upon a wrong decision simpliciter; rather, it raises a grave and disturbing question as to the commission of an act expressly

defined as an offence under the penal statute. In such circumstances, mere setting aside of the impugned order would not cleanse the taint. Annulment of the order may efface its operative effect, but it cannot obliterate the alleged misdemeanour embedded in its foundation. This is not a case where judicial correction would suffice. Even if the order is set aside, the alleged act does not stand neutralised. The defect, if the allegations are borne out, is not curable in the ordinary sense known to judicial review. If, in fact, a document has been created in a manner amounting to making of a false document and the same has thereafter been used as genuine for the purpose of supporting or justifying a judicial order, the matter assumes serious proportions. Such an act, if established, would not remain confined within the four corners of judicial impropriety; it would partake the character of a substantive offence. Yet, it is equally imperative to observe that no final opinion on the culpability of the concerned person should be recorded without a complete and exhaustive probe. The seriousness of the allegation itself demands a thorough, fair and comprehensive inquiry so that the truth is unearthed in accordance with law.

CONCLUSION AND VERDICT

5. Prima facie, upon a careful perusal of the material placed on record, this Court is constrained to observe that the charge-sheet does not appear to have been filed on 21.11.2025, nor at any time prior to the filing of the application for default bail by the petitioner. What causes further disquiet to this Court is the

subsequent preparation of order-sheets, which, on the face of the record, seem to have been brought into existence thereafter. The sequence of events, coupled with the attendant circumstances, gives rise to a serious apprehension that such proceedings may have been recorded with a view to defeat the statutory right of the petitioner and to lend justification to the action of the concerned Judicial Officer. Had the charge-sheet in fact been filed prior thereto, there would have been no occasion for the Magistrate to call the complete case diary, particularly when it was well within the knowledge of the concerned Court that the charge-sheet had not been presented till that date. It is further significant to note that the endorsement dated 21.11.2025 shown to be made on the reverse side of the cover page of the charge-sheet, and the same bears the handwriting of the Presiding Officer himself. Had such an endorsement been made by a Reader or ministerial staff in the ordinary course of administrative functioning, the matter might have stood on a different footing. When the endorsement is admittedly in the hand of the Presiding Officer, the circumstances assume a far more serious complexion. Such conduct, viewed in totality, prima facie gives rise to grave and disturbing doubts regarding the authenticity of the record and the manner in which the proceedings have been sought to be projected. This Court harbours a serious and prima facie doubt with regard to the very existence and authenticity of the facts as portrayed in the order-sheet projected to have been inscribed on 24.11.2025 and having

two order sheets of 08.12.2025 with mismatch is a further suspicious circumstance.

5.1 In view of the above chronological examination and the strong and compelling circumstances emerging from the record, this Court is constrained to observe that the juvenile is entitled to be enlarged on bail on account of statutory default under Section 187(3) BNSS and under the mandate of Section 12 of the Juvenile Justice Act and in view of the non-incriminating statements of the prosecutrix against the juvenile.

5.2 Accordingly, the instant revision petition is allowed and impugned order dated 17.12.2025 passed by the learned Special Judge, POCSO Cases and orders dated 29.11.2025 and 08.12.2025 passed by the Juvenile Justice Board are hereby quashed and set aside. The juvenile is accordingly ordered to be released forthwith in accordance with law upon furnishing a personal bond of Rs. 50,000/- and a surety of like amount to the satisfaction of the learned Board.

5.3 If it be so that a document has been wilfully and deliberately prepared falsely and thereafter projected or utilised as a genuine one, such conduct, on the face of it, would not comport with the standards expected of a judicial officer and may assume serious proportions. An act of this nature, if established upon due examination, would transcend the realm of a mere judicial error and may invite deeper institutional scrutiny. Upon a careful, and conscious perusal of the material presently available on record, this Court is constrained to observe that the matter appears to

warrant a closer and more comprehensive examination. The allegations, by their very nature, touch upon issues of institutional propriety and probity, and therefore cannot be lightly overlooked. However, this Court refrains from expressing any conclusive opinion at this stage. It would be appropriate that the issue be placed before Hon'ble the Chief Justice for kind consideration to take an appropriate view and determine the further course of action, if so deemed necessary.

5.4 Before parting with the matter, this Court considers it not only appropriate but imperative to observe that the circumstances elaborately enumerated in preceding paragraphs, prima facie raise serious and disquieting concerns touching upon the integrity, purity and authenticity of the judicial record. The sanctity of judicial proceedings rests upon the unimpeachable accuracy of the order-sheet and contemporaneous recording of events. The conduct of a Judicial Officer and the quality of his judicial work are expected to be of the highest order, imbued with purity, ethical, and of sterling worth. If circumstances give rise to a reasonable doubt touching upon such standards, be it in conduct or in the discharge of judicial functions, it becomes imperative that the matter be subjected to a fair and impartial enquiry. The sanctity of the institution cannot brook even a semblance of compromise, and any cloud cast upon it must be dispelled through due process in accordance with law. Any deviation therefrom, particularly when it bears upon the liberty of a citizen, has ramifications far beyond the confines of the present case and impacts public confidence in

the administration of justice. In view of the above, the Registry is directed to place the matter, along with this order sheet, before Hon'ble the Chief Justice for kind perusal and consideration to take such further action as may be warranted in the facts and circumstances of the case, so as to preserve the purity of the judicial process and obviate recurrence of such irregularities in future.

6. Stay petition and any pending applications stands disposed of.

(FARJAND ALI),J

212-Mamta/-