



2025:DHC:4401



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 26.05.2025*+ **CRL.REV.P. 128/2024****SANJAY RATHORE**

...Petitioner

Through: Mr. Sanju Gupta, Ms. Varsha Ahluwalia, Mr. Lalit Kumar Sharma, Mr. Deepanshu Lakra, Mr. Lakshay Tyagi and Mr. Akshay Tyagi, Advs.

versus

STATE (GOVT OF NCT, DELHI) AND ANR ...Respondents

Through: Mr. Rajkumar, APP for the State.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

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INTRODUCTION

1. This case narrates a deeply disturbing incident. It presents shocking conduct of an Advocate – conduct which is completely unacceptable. Even the learned counsel appearing for the petitioner, though sought leniency for the petitioner and a reduction in the sentence awarded by the learned Trial Court, he did not attempt to justify or defend the behaviour of the accused.

2. Thus, although the petitioner has not assailed his conviction itself, this Court finds it necessary – especially in light of the plea for a lesser sentence – to narrate the incident in question, as the incident itself and its potential impact on the entire adjudicatory system of the Trial Courts will form the backdrop against which this Court considers the plea for leniency.

FACTUAL BACKGROUND

3. At the time of the incident, the complainant Ms. ‘X’ was serving as a Metropolitan Magistrate in Delhi. On 30.10.2015, at around 3:50 PM, she was presiding over her courtroom on the 6th floor of the Karkardooma Courts Complex (North-East District). Present in the courtroom were Naib Court Sh. Pawan Kumar, court staff members Sh. Neeraj Kumar and Sh. Sumit Kumar, one Advocate Sh. Chittranjan Dass, Investigating Officers Sh. Rajpal Singh from P.S. Bhajanpura, Delhi and ASI Sh. Mahendra Kumar from P.S. Usmanpur, Delhi, along with Sh. Arun Kumar (victim in FIR No. 1124/2015), and a convict in a challan matter related to



vehicle no. DL1RQ3967. At this time, the present petitioner Sanjay Rathore (Enrolment No. D/****/09), an Advocate by profession and representing the owner of vehicle no. UP14CT0689 entered the courtroom with a colleague, and enquired with the Reader about the status of their challan case. Upon being informed that the case had already been adjourned to 31.10.2015, the petitioner suddenly began shouting in open court. He allegedly used abusive and disrespectful language towards the presiding judge Ms. 'X', and said "*aise kar dia adjourn matter, aise kese date de di, main keh rha hun, abhi lo matter, order karo abhi.*" When Ms. 'X' asked him about his vakalatnama, the petitioner arrogantly responded, "*dekh lo lga hai challan ke sath mein, usi mein mera naam hai.*" His name, indeed, appeared on the vakalatnama attached with the challan. However, instead of calming down, the petitioner became more aggressive. He began shouting louder, creating a nuisance that forced Ms. 'X' to pause the court proceedings. When she reiterated that the matter had already been adjourned, the petitioner allegedly charged towards the dais and began threatening her, stating, "*aisa karo matter transfer kar do CMM ko, order karo abhi, aise kaise adjourn kar diya matter.*" He further warned her that he would be moving an application to transfer the case. In the presence of court staff and litigants, the petitioner continued to shout threats: "*mein tumhari complaint karunga CMM ke pass, mein kal khud hi jaunga High Court, mein dekhta hun tumhe abhi, order karo abhi, dasti do copy.*" He thereafter began banging the table repeatedly, attempting to



obstruct judicial work. In her complaint, Ms. ‘X’ stated that based on his behaviour and speech, she suspected he was under the influence of alcohol. She then directed him to leave the courtroom. However, at this point, he became even more violent and shouted: “*mein kahin nahi jaunga, mein dekhta hu kis me dum hai mujhe bahar nikalne ka, tum kah do or mein chal jaun—nahi jaunga bahar.*” He then allegedly uttered an extremely offensive and vulgar remark towards Ms. ‘X’, stating: “*chadhi far kar rakh dunga.*” She sought the accused’s identification and directed court staff to retain him for a breath analysis. However, before the test could be conducted, the petitioner fled the courtroom while continuing to hurl filthy abuse at her. Deeply shaken by the incident, Ms. ‘X’ submitted a formal complaint with the police. She alleged that the petitioner herein “*had insulted her and had outraged her modesty, being a female judicial officer and had also insulted the court’s dignity.*”

4. Accordingly, an FIR bearing no. 0885/2015 was registered on 31.10.2025, at P.S. Farsh Bazar, Delhi for commission of offence under Sections 186/189/353/ 354/509 of the Indian Penal Code, 1860 [hereafter ‘IPC’]. Later, the statement of the complainant was recorded under Section 164 of the Code of Criminal Procedure, 1973 [hereafter ‘Cr.P.C.’], where she reiterated her version of events. She recalled feeling insulted, humiliated, and being moved to tears – prompting her to retire to her chamber while she was dictating the order to initiate the complaint. The President and Secretary of the Karkardooma Bar Association visited her chamber soon after and



attempted to persuade her to resolve the matter informally, saying, *“that instead of taking legal recourse, she should adopt social move to solve the issue and that they were suggesting this as her elder brother.”* In response, she told them, *“that this is beyond the dignity of a woman and she had already written the order and complaint.”*

5. After completion of investigation, chargesheet was filed on 08.12.2016 for commission of offence punishable under Sections 186/188/189/228/353/354A/355/509 of IPC. Charges were framed against the petitioner on 04.05.2018 for offence punishable under Sections 186/189/188/228/354A/509/353 of IPC. During the course of trial, prosecution examined nine witnesses, the and statement of the petitioner herein was recorded under Section 313 of Cr.P.C. and two defence witnesses were also examined by him.

6. The learned Metropolitan Magistrate, Mahila Court-1, Shahdara, Karkardooma Courts, Delhi [hereafter ‘*Trial Court*’], *vide* judgment dated 28.09.2019 held the petitioner guilty for commission of offence under Sections 186/189/228/509/353 of IPC, whereas acquitted him for offence under Sections 188/354A of IPC. By way order on sentence dated 30.09.2019, the petitioner was sentenced in the following manner:

(a) for offence under Section 186 of IPC: Fine of Rs.500/- and in default thereof, simple imprisonment for 15 days.

(b) for offence under Section 189 of IPC: Simple imprisonment for a period of 3 months and a fine of Rs.1,500/- and in default thereof, simple imprisonment for 15 days.

(c) for offence under Section 228 of IPC: Fine of Rs.1000/- and in



default thereof, simple imprisonment for one month.

(d) for offence under Section 353 of IPC: Simple imprisonment for a period of 3 months and a fine of Rs.1,500/- and in default thereof, simple imprisonment for 15 days.

(e) for offence under Section 509 of IPC: Simple imprisonment for a period of 18 months and a fine of Rs.4,000/- and in default thereof, simple imprisonment for one month.

7. Further, the sentences awarded to the petitioner were directed to run consecutively, and not concurrently. Thus, a total sentence of two years of simple imprisonment was awarded to him.

8. Aggrieved by his conviction, the petitioner had filed an appeal i.e., Criminal Appeal No. 206/2019, but the same was dismissed by the learned Additional Sessions Judge-05, Shahdara, Karkardooma Courts, Delhi [hereafter '*Appellate Court*'] *vide* the impugned judgment dated 20.04.2023. By way of impugned order on sentence dated 02.11.2023, the sentence awarded by the learned Trial Court was also upheld and in addition, the petitioner was further directed to pay a compensation of Rs.50,000/- to the complainant/victim as per the decision of Full Bench of this Court in ***Karan v. State of NCT of Delhi***: 277 (2021) DLT 195 (FB).

9. By way of present revision petition, the petitioner seeks to assail the aforesaid judgments and orders of the learned Trial Court and the learned Appellate Court.

10. The sentence of the petitioner herein was suspended by this Court *vide* order dated 16.08.2024 considering that he had already remained in judicial custody for about 05 months and 17 days.



SUBMISSIONS BEFORE THE COURT

11. The learned counsel appearing for the petitioner confined his submissions and arguments – only on the point of sentence, and chose not to challenge the conviction. On behalf of the petitioner, he prayed for leniency and contended that the petitioner had already remained in judicial custody for about 05 months and 17 days, out of the total sentence of 02 years awarded to him and therefore, he be released on the period undergone.

12. In this regard, it was argued that the petitioner is an advocate by profession and he has clean antecedents and no other criminal case has ever been registered against him. It was contended that petitioner is a married man, and has responsibility of a wife and two minor children. The learned counsel for the petitioner also submitted that the conduct of petitioner in the prison has been reported as satisfactory, and sending the petitioner back to prison will not serve any purpose as he is remorseful of his conduct. It was further submitted that the petitioner, as of now, has a standing at the Bar of more than 15 years and that factor be also taken into account while considering the plea of leniency. He also states that the punishment awarded to the petitioner herein is far greater and disproportionate to the offence in question. He also states that since now, the petitioner regrets his conduct and undertakes that he will not indulge in such conduct in future, the punishment awarded to him be reduced to the sentence already undergone by him.



13. On the other hand, the learned APP for the State opposed the present petition and argued that the learned Trial Court has already taken a lenient view by awarding him a sentence of 18 months instead of maximum sentence of 3 years for offence under Section 509 of IPC; and sentence of 3 months instead of maximum sentence of 2 years for offence under Section 353 of IPC. It is argued that the present case is a serious one, where the petitioner had outraged the modesty of a female judicial officer, and a strong message ought to be sent to the society by not reducing the sentence awarded to him by the learned Trial Court.

ANALYSIS & FINDINGS

Issue before the Court

14. The issue before this Court is whether the sentence awarded to the petitioner by the learned Trial Court warrants any interference by this Court by reducing it to the period already undergone by him, or whether the gravity of the petitioner's conduct, i.e. outraging the modesty of a sitting female Judicial Officer in the sanctum of a courtroom – demands that the sentence awarded to the petitioner be upheld.

15. At the heart of this question lies a larger concern: how should courts respond when the very dignity of the judicial institution is assaulted from within its own halls, by one who is an officer of the court himself?



The Conduct of the Petitioner

16. As noted in preceding paragraphs, the petitioner has primarily urged this Court to consider a reduction in sentence on grounds of his clean antecedents, standing at the Bar, family responsibilities, satisfactory conduct in jail, and that he has now expressed remorse for the incident. It has also been argued that the sentence awarded is disproportionate to the offence and that further incarceration of the petitioner would serve no meaningful purpose.

17. However, this Court remains unimpressed by the contentions raised by learned counsel for the petitioner. The act of outraging the modesty of a judicial officer while she was presiding over Court proceedings, seated on the dais and discharging her solemn duty of dispensing justice, in this Court's opinion, attacks the very foundation of judicial decorum and the institutional integrity. In the presence of fellow advocates and litigants, the petitioner, infuriated by the grant of an adjournment, went on to utter words such as "*mein kahin nahi jaunga, mein dekhta hu kis me dum hai mujhe bahar nikalne ka, tum kah do or mein chal jaun—nahi jaunga bahar*" as well as "*...chadhi far kar rakh dunga*" – which were directed at the presiding officer i.e. complainant Ms. 'X'. Notably, the petitioner herein was not mere litigant or a bystander in the courtroom, but he was an officer of the Court, and thus under a heightened obligation to uphold the dignity of the forum and its presiding officer. His conduct, instead, not only amounted to a grave breach of professional and ethical responsibility, but was a criminal act punishable under the



criminal law.

Injustice to the Justice

18. In the present case, the injustice was not directed at a distant litigant or an unknown complainant. It was inflicted upon a sitting female Judicial Officer, within her own courtroom – a space that should embody respect, order, and the majesty of law. Here, where she was entrusted with the solemn duty to dispense ‘justice’ without fear or favour, she was subjected to misconduct, threats, and humiliation by one who, as an advocate, was duty-bound to uphold the dignity of the court. This is, therefore, not merely a case of individual misbehaviour, but a case where *injustice was done to justice itself* – where a judge, who symbolizes the impartial voice of the law, became the target of personal attack while discharging her official duties. Thus, in this place, where the complainant was to command respect and uphold the majesty of law, she was instead made to endure misconduct, impropriety, and humiliation at the hands of one who was duty-bound to uphold decorum: an advocate. Thus, the present case is one where injustice was done to the justice itself. When such an officer is demeaned in the courtroom, the harm is not merely personal – it offends the dignity of the institution, undermines public confidence in the judicial process, and erodes the constitutional promise of a fair and secure environment for the administration of justice. Any act that seeks to threaten or intimidate a judge, especially through gender-specific abuse, is an assault on justice itself, and must be met with firm accountability.



The Vulnerabilities of Women in Power and the Gendered Nature of Abuse

19. It is a matter of deep concern that, at times, even the seat of justice cannot guarantee immunity from gendered abuse. When a female judge becomes the target of personal indignity and humiliation by an officer of the court – an advocate : as in the present case – it reflects not only a personal wrong but also the systemic vulnerability women continue to face, even at the highest echelons of legal authority.

20. The intersection of gender, authority, and power is nowhere more complex than in a courtroom. When a male advocate uses his position to violate the dignity of a female judicial officer, the issue is no longer of an individual judicial officer being subjected to misconduct – it becomes a reflection of the persistent challenge faced by women even in institutions which have been entrusted with the duty of upholding justice for all.

21. Women, historically placed in the category of the vulnerable by societal hierarchies and systemic imbalance, have been progressively pulled into positions of power through constitutional guarantees and the committed efforts of stakeholders across institutions. However, the journey from vulnerability to empowerment must not be treated as symbolic or superficial. When a woman who occupies a seat of authority, especially in the judiciary, is subjected to acts that compromise her dignity, it threatens to undo years of progress.



22. If those placed in the system to uphold justice are made to feel unsafe, disrespected, or helpless, the message that would resonate across the legal and social ecosystem would be deeply regressive. When a female judge is targeted in a manner that outrages her modesty or challenges her authority, it not only impacts her personally but also repositions her, symbolically and practically, back into the category of the vulnerable. This is not just an act against an individual; it is an act against institutional integrity.

23. Such conduct carries implications far beyond the immediate incident. It suggests, erroneously and harmfully, that women in power can be disrespected without consequence. It breeds a mindset where gendered abuse becomes a tactic – sometimes to harass, sometimes to manipulate, sometimes even to seek recusal or transfer of a case. This cannot be permitted.

Women Judicial Officers and the Necessity of Institutional Protection

24. No judicial officer, particularly those at the district level who form the backbone of our justice delivery system, should ever be made to feel exposed or unsupported. The female force within the judiciary must never be left feeling helpless or as though they are to be treated at someone else's pleasure.

25. If a woman holding judicial office is made to feel that her authority is conditional on the civility or restraint of others, the very foundation of judicial independence would get shaken. A judge, male



or female, must never be made to feel that they are protected by courtesy rather than by law and respect for their office.

26. Thus, the present incident reflects a mindset where even women in empowered roles are not seen as immune from humiliation or indignity. It is important that such incidents are not dismissed as isolated or trivial. They must be treated with the seriousness they deserve, for they influence how the judiciary is perceived, and more importantly, how women perceive their place in it.

Advocates' Duties and the Sanctity of Courtroom Conduct

27. The robe of an advocate is not just a symbol of learning, but of character. Therefore, every word uttered, every act performed in a courtroom, must reflect the solemnity of the profession. When an advocate, who is duty-bound to uphold the law, chooses instead to degrade and demean a judicial officer, he not only fails his professional oath but betrays the justice system itself.

28. A courtroom must be governed by rule of law. When its protectors choose to defile the dignity of its upholders, **the law must respond – not just with words, but with appropriate consequences.**

29. The plea for leniency on the ground that the convict has been a practicing advocate for over 15 years does not inspire the sympathy of this Court either. If anything, his experience should have made him more cognizant of the decorum, language, and conduct expected within a courtroom. It is not the responsibility of the presiding judge



alone to maintain the dignity of court proceedings; the Bar shares that burden equally.

30. The **judicial process is not a solitary act but is a collaborative exercise between the Bench and the Bar.** While in some realms, a half may suffice or stand alone, in the realm of justice, the absence of responsible advocacy renders the process incomplete. Here, that very partnership was dishonoured by the conduct of one who was duty-bound to uphold it.

The Plea for Leniency on Ground of Sentence being Disproportionate

31. The plea for leniency must be tested against the standard of whether the sentence is proportionate to the gravity of the act and its impact – not just on the individual, but on the institution she represents. To trivialise such conduct under the garb of emotional outburst or momentary lapse is to reflect a patriarchal mindset – one that struggles to respect women in authority and seeks to normalise the unacceptable. This cannot be permitted. Not in law. Not in court.

32. The conduct in question was disproportionate to the dignity of a woman seated on the dias – entrusted with the solemn duty of dispensing justice. To use language meant to outrage her modesty, within the courtroom, is not merely inappropriate – it is deeply offensive.

33. In the present circumstances, the argument that the sentence awarded is disproportionate to the offence committed is also



unmerited. The maximum sentence prescribed for the offence under Section 509 of IPC is three years, whereas the sentence awarded to the present accused/applicant is one year and six months. The order on sentence dated 30.09.2019 passed by the learned Trial Court, which was challenged before this Court on the ground of being excessive or harsh, clearly records the following reasons for the sentence awarded to the petitioner:

“The aggravating circumstances is that the alleged offence has been committed against a public servant during discharge of public function and against a woman. The offences have been committed inside a court room, by accused, who is an officer of the court and is supposed to not only assist the court but is also supposed to maintain the dignity and decorum of the court. Therefore, commission of these serious offences by officer of the court despite the duties imposed upon him by Advocates Act, 1961, does not entitle convict to seek leniency from the court.”

34. Further, the learned Appellate Court, in the order dated 02.11.2023, held:

“ On the strength of aforesaid judgments and the peculiar facts and circumstances of this case where appellant despite being a professional, and an officer of the Court acted offensively and indecently against the presiding officer of the Court while she was discharging her public functions, no “reasonable or justified ground to take a lenient view against the appellant is made out. In the light of aforesaid circumstances and precedents, the present case is not a fit case to grant benefit of Probation Of Offenders Act to the appellant.

Infact, as noted by Hon’ble Supreme Court in **Surinder Singh’s case (supra)**, it is the obligation of this Court to ensure that principle of proportionality is duly followed while awarding sentence for any offence. This Court has also perused the order dt. 30.09.2019 of Ld. Trial Court wherein the mitigating and aggravating circumstances have been clearly spelt out while deciding the quantum of sentence.”



35. As already observed, the learned Trial Court has not awarded the maximum sentence permissible under law. Rather, a lenient view has been taken, and a sentence of only one year and six months has been imposed. Thus, to this extent, this Court finds no justification to interfere with the order of sentence, which is well within the statutory limits and supported by cogent reasoning.

36. **However**, it is noted that the petitioner was awarded a sentence of one year and six months (18 months) for the offence under Section 509 IPC, three months for the offence under Section 189 of IPC, and an additional three months for the offence under Section 353 of IPC. These sentences were directed to run consecutively, thereby resulting in a total sentence of two years. In the considered view of this Court, there exists no justifiable reason to deny the benefit of concurrent running of sentences to the petitioner. Accordingly, **the order on sentence is modified to the limited extent** that all the sentences awarded to the petitioner shall run concurrently – and not consecutively. Consequently, the total sentence to be actually undergone by the petitioner shall be confined to 18 months, out of which he has undergone 05 months and 17 days.

Justice Must Speak – Loudly and Clearly

37. Though justice is traditionally considered blind, however, it refers to the blindfold which does not let it differentiate or recognize inequality on the basis of gender, religion, caste, class, social standing, or power – but weighs both sides before it without being



affected by whosoever the parties are. In the above background, it can be thus safely said that – **justice may be blind in the above sense, but is not silent.** Speaking up and dispensing justice fearlessly to all before it is the true essence of the Indian judiciary which makes it trustworthy.

38. When one who sits on the chair of a judicial officer to deliver justice is wronged by use of filthy language, the law must speak louder – on her behalf, and on its own. The law must speak most clearly in cases where the victim is the voice of justice herself, being looked upon by all those appearing in her Court seeking justice.

39. In this peculiar and unfortunate case, it is that voice of justice which today pleads on the other side for justice to herself having been wronged by one of the members of the other pillar of the judicial adjudicatory system i.e. an Advocate.

CONCLUSION

40. To conclude, this Court would observe that to take a lenient view in a case like the present, where shameful language was used against a judicial officer, would amount to doing injustice to justice. The seat of a judicial officer has its own dignity and is sacrosanct for members of the community who appear before her. If such an officer is not able to get adequate justice for herself, it may leave a scar or hurt dignity that cannot be permitted.

41. **When the dignity of any judicial officer is torn by way of use of filthy words proved beyond reasonable doubt, the law**



must act as the thread that would mend and restore it.

42. If a court of law decides a case on the basis of misplaced sympathy or empathy either for the victim or for the accused, it will set a wrong precedent. The officers who dispense justice, as first in the line of control of the sea of cases filed for adjudication, carry an important responsibility of dispensing justice to millions knocking at the doors of their Courts. In case, they are not safeguarded or extended respect, it will have serious repercussions not only on the justice delivery system as a whole, but also affect the working capacity and moral strength of the judicial officers.

43. Thus, this Court finds no ground to take any lenient view, and reduce the sentence awarded to the petitioner to the period already undergone by him.

44. Accordingly, the impugned judgments and orders on sentence are upheld – but with the modification that the sentences shall run concurrently and not consecutively, as discussed in paragraph 36 of the judgment. The petitioner is directed to surrender within 15 days from date, and serve his unexpired portion of sentence.

45. In above terms, the present petition stands disposed of.

46. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 26, 2025/ns

TS/TD