



[2025:RJ-JD:18782]

**SHIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2244/2011

Kamal Singh

-----Petitioner

Versus

State

-----Respondent



For Petitioner(s) : Mr. Pritam Solanki
Mr. Rajesh Punia

For Respondent(s) : Mr. Vikram Rajpurohit, Dy.G.A.
Mr. Sushil Solanki
Mr. Rajesh Panwar, Sr. Advocate
assisted by Mr. Mudit Vaishnav
Mr. Sachin Acharya, Sr. Advocate
assisted by Mr. Rahul Rajpurohit

HON'BLE MR. JUSTICE FARJAND ALI

Order

06/03/2025

1. By way of filing this instant petition under Section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of FIR No. 180/2011, dated 28.09.2011, registered at Police Station, Industrial Area, District Pali, for the offences punishable under Sections 341 and 323 of the Indian Penal Code.



2. A coordinate bench of this Court, in its earlier order dated 25.09.2013, had already taken cognizance of the serious administrative deficiencies plaguing the office of the Government Advocate at the Jodhpur Principal Seat. The said order highlighted the critical issues including the acute shortage of ministerial staff, the lack of infrastructure, inadequate remuneration to State Law Officers, and the resulting procedural delays which have hampered the dispensation of justice. It was further noted that despite the presence of skilled law officers, the absence of clerical and technical assistance adversely affects the prosecution of even trivial offences under Sections 341 and 323 IPC, as evidenced by the undue delay in disposal of FIR No. 180/2011.

3. For ready reference the order is reproduced hereinbelow:-

"It is the prime duty of the State to enforce rule of law and maintain law and order. Criminal prosecution and its success is necessary to advance law and order and uphold rule of law. Jodhpur is the principal seat of Rajasthan High Court. Criminal litigation here is defended by 11 Law Officers. In most of cases, able efficient law officers to defend the State, lack necessary assistance, infrastructure, facilities and back up staff, resultantly dispensation of justice suffer and in number of cases the State has to loose for default on the part of counsel for the State.

For trivial offence under Sections 341 and 323 IPC, FIR was registered on 28.09.2011. Due to number of adjournments sought on behalf of State, case has not been decided. Today, also counsel for the State has prayed for an adjournment.

A little probe has brought glaring facts into the notice of this Court.

It has been stated by Law Officers that since 1986, there has been no recruitment so far clerical staff is concerned. No



Ministerial aid is available to counsel for the State to communicate with Superintendent of Police of 17 districts under the jurisdiction of High Court or Station House Officers of the Police Stations within the jurisdiction thereunder. It is stated that more than 400 Police Stations fall under the jurisdiction of 17 Revenue Districts, over which Jodhpur seat has jurisdiction.

It is also stated that each State Counsel has been provided with one lower division clerk and a peon, who are not on the roles of the State, but being contractual employee, are paid meager sum of Rs.4,500/- (LDC) and Rs.3,500/- (Peon) respectively. Not only there is scarcity of staff which is paid too less, but staff posted lack talent and efficiency. Furthermore, due to meager amount paid, they are neither accountable towards the Law Officers nor responsible towards job.

It is stated that often files are missing as staff is not organized. It is also brought to the notice of this Court that when the private counsel receive handsome fee, the State Counsels get pittance of Rs. 12,500/- p.m. towards retainer fee and on each working day of the Court, they have to defend more than 100 cases each day. Less said is better, but it is to be noted with concern that office of the counsels appearing for State require an overhaul and necessary infrastructure for ably assisting the Courts. No review has been undertaken by the State Government regarding result of the litigation or need to improve office of the Law Officers. No remedial measures have been taken.

Time has come when the State should be asked to put its house in order and take necessary remedial measures.

The Chief Secretary of the State is directed to file an affidavit as to what steps he propose to undertake to improve the working of the office under the control of the Advocate General and provide necessary infrastructure to the Law Officers. As a part of recommendation, it is suggested that each Law Officer should be provided a personal Stenographer, along with a laptop and requisite library and if the library is not available, the Law Officers should be provided online legal search engine of any reputed publishing house with which members of bar are ordinarily equipped.

A review is also required so far as remuneration of the State Counsel is concerned, so that talent available with State is retained or attracted and the State is ably defended.

To await response of the Chief Secretary to this order, this matter may be posted for hearing on 04.10.2013. A copy of this



order be handed over under the seal and signature of the Court Master to Shri K.K. Rawal, Public Prosecutor for onward transmission and compliance.

List this case on 04.10.2013. "

4. Pursuant to the directions issued to the Chief Secretary in the aforesaid order, this Court reiterates the urgent necessity of undertaking comprehensive administrative reforms to improve the functioning of the office of the Government Advocate.

5. In consonance with the spirit of the earlier directions and upon re-evaluation of the present state of affairs, it is further ordered as follows:

In order to ensure the smooth and efficient functioning of the office of the Government Advocate, it is imperative to establish a well-structured administrative support system. The staff composition must include Upper Division Clerks (UDCs), Lower Division Clerks (LDCs), peons, stenographers, file managers, computer operator and a Section Officer responsible for overseeing matters pertaining to criminal writs, Misc. Petitions under Section 482 CrPC, and new laws, criminal revisions, criminal appeals, Bail applications, review, references and other related proceedings. Given the high volume of litigation and the operational exigencies of the office, wherein approximately 600 to 700 case files are required to be produced before various benches of the Court on a daily basis, a robust logistical framework is essential. This necessitates the deployment of an adequate number of



Class IV employees to facilitate the prompt retrieval and submission of case files from the offices of different court rooms and to ensure their timely return to the office of G.A. Furthermore, to maintain procedural efficiency and to enable prosecutors to discharge their functions effectively, it is crucial that each Government Advocate is assigned a dedicated clerk for administrative and file-handling assistance. In the case of the Additional Advocate General (AAG), considering the complexity and sensitivity of matters handled at that level, the provision of a Personal Secretary (PS) and a dedicated stenographer is indispensable to ensure seamless communication, timely drafting, and proper record maintenance. This structural framework is essential not only for the day-to-day operations of the Government Advocate's office but also for upholding the standards of professional legal service delivery in consonance with judicial timelines.

6. In addition to administrative and logistical arrangements, it is equally critical to address the security concerns arising from the nature of criminal litigation. Government Advocates, particularly those representing the State in serious criminal matters, often face heightened risk and potential threats from individuals or groups adversely affected by the prosecution's stance. These threats may escalate, especially when handling high-profile or sensitive cases involving hardened criminals or organized crime syndicates. In such scenarios, the presence of an adequate



security apparatus becomes not just advisable but imperative. Accordingly, a dedicated floor within the Government Advocate building must be earmarked for security personnel, with the deployment of at least six armed constables stationed permanently on that floor. Each constable should be equipped with requisite arms to deter and respond to any emergent threat. This security detail is particularly crucial outside the offices of the Additional Advocate Generals (AAGs), where law enforcement officers including those of the Rajasthan Police Service (RPS) and Indian Police Service (IPS) frequently attend meetings in relation to the prosecution of high-stakes criminal matters. Given the possibility of backlash or confrontation by associates of accused persons, a fortified and visible security presence will serve as both a preventive and protective measure, thereby ensuring the physical safety of legal officers and enabling them to perform their statutory duties without fear or intimidation. The integration of such a security mechanism is indispensable for preserving the sanctity of the prosecutorial process and upholding the rule of law in the face of mounting threats.

7. Moreover, it is pertinent to highlight the prevailing shortcomings in the existing support staff structure, which severely undermines the efficacy and integrity of the Government Advocate's office. The current personnel, in many instances, lack the requisite sense of responsibility,



professional competence, and legal aptitude necessary for handling sensitive prosecutorial tasks. It has been observed that Public Prosecutors often have to bear administrative and logistical expenses from their personal resources due to the indifference and inefficiency of the assigned staff. These individuals are neither properly trained nor possess the minimum qualifications required for such critical roles, thereby rendering them ill-equipped to manage the intricacies of criminal litigation. A particularly alarming concern arises with respect to the handling of case diaries received from various police stations, which frequently pertain to grave and high-profile offences. The risk of such vital documents being stolen, tampered with, or misplaced due to negligent or unaccountable staff poses a serious threat to the integrity of the prosecution process and, by extension, the administration of justice. In light of these concerns, it is imperative to appoint a dedicated cadre of qualified and well-trained personnel, whose roles and responsibilities are clearly defined and who can be held strictly accountable for any dereliction of duty or misconduct. Establishing such a system will not only safeguard the sanctity of judicial records but will also instill a much-needed culture of professionalism, accountability, and procedural diligence within the prosecutorial framework.

8. Furthermore, it is essential to acknowledge the substantial volume of litigation emanating from various courts in both



Jodhpur and Jaipur, wherein numerous matters are listed on a daily basis. Typically, 4 to 5 courts are assigned under the current roster to each Public Prosecutor or Government Advocate, with an additional 3 to 4 courts often listing matters either "before" or on a "part-heard" basis. Consequently, the prosecutorial side is frequently required to comply with judicial directions issued from 7 to 8 different courtrooms simultaneously. These directions may range from submitting factual reports, status reports, and progress reports to ensuring the presence of investigating officers, Station House Officers (SHOs), Superintendents of Police (SPs), or other senior officers. Further, orders are often passed for the production of case diaries, filing of affidavits, replies, or for compliance with specific individual directions issued by the Court. In the existing system, Public Prosecutors, in their individual capacity, directly communicate these court directions to the concerned SHOs, SPs, or Deputy Superintendents of Police (Dy. SPs). While it is commendable that, in many instances, such communication is effectuated smoothly and the requisite compliance is achieved, it must be noted that the entire process currently functions on a framework of informal understanding and mutual faith. The absence of an institutionalised mechanism poses inherent risks of delay, miscommunication, and non-compliance, which could inadvertently affect the dispensation and administration of justice.





9. In view of the above, there is an urgent necessity to establish a structured communication mechanism to institutionalise this process. It is proposed that an Inspector-level police officer be permanently deputed to the Government Advocate's office, supported by a team comprising three constables or head constables. This unit shall serve as the liaison wing, maintaining constant connectivity with all district headquarters across the State of Rajasthan through radiogram facilities. A dedicated landline telephone line must also be permanently established along with a designated room or office to house this communication cell. This arrangement will facilitate direct and efficient transmission of court orders from Public Prosecutors or Government Advocates to the Inspector, who shall thereafter ensure prompt communication to the respective police stations or concerned Superintendent of Police through email, telephone, and radiogram channels via a computer operator. Historically, this Court is aware that such an Inspector was earlier posted in the Government Advocate's office, and his role was instrumental in acting as an effective bridge between the prosecutorial wing and the police machinery. The absence of such a post in the current setup has created a functional vacuum that urgently requires rectification. Given the exponential increase in caseloads and the growing complexity of criminal litigation, the re-establishment of this post is not only prudent but also





imperative for the smooth functioning of prosecutorial responsibilities.

10. In light of the above observations and the multifaceted challenges currently faced by the office of the Government Advocate, it is the considered view of this Court that a comprehensive committee be constituted to examine, in detail, the prevailing deficiencies, shortcomings, structural requirements, and administrative needs. The committee shall undertake a meticulous and empirical assessment of the existing prosecutorial framework and submit a detailed report to this Court. The scope of the committee's responsibilities shall include recommending appropriate measures for capacity enhancement, administrative reforms, and infrastructural improvements. Furthermore, the committee shall also examine the existing emoluments and service conditions of the support staff and submit appropriate suggestions for rationalisation and enhancement of their pay scales and benefits, commensurate with their duties and responsibilities.

11. This committee shall comprise the following eminent members of the legal fraternity, known for their vast experience and institutional knowledge:

1. Mr. Anand Purohit, Senior Advocate(Jodhpur)
2. Mr. Vineet Jain, Senior Advocate(Jodhpur)
3. Mr. Vibhuti Bhushan Sharma, Advocate(Jaipur)



4. Mr. Ghanshyam Singh Rathore, Advocate(Jaipur)

5. Mr. Dinesh Godara, Advocate(Jodhpur)

12. The Court reposes full faith in the expertise and discernment of the aforementioned individuals to provide comprehensive recommendations that would significantly contribute to strengthening the prosecutorial framework and aligning it with the evolving demands of the justice delivery system.

13. The Committee shall also be entrusted with the responsibility of collecting and compiling detailed information regarding the existing human resource structure within the office of the Government Advocate. This shall include data on the number of sanctioned posts, the posts presently filled, and an assessment of the additional staff required to ensure the optimal functioning of the prosecutorial and administrative machinery. The Committee shall conduct this exercise with due diligence, taking into consideration the volume and nature of litigation handled, the operational workload, and the necessity of maintaining procedural compliance with court directives.

14. The matter has been finally heard, and adjudication now remains pending solely on the receipt of the report from the Committee as constituted above. The matter stands listed in the Part-Heard category before this Court. Accordingly, the matter be listed on 20.05.2025 for further proceedings. The



Committee shall ensure that the report, as directed, is submitted before the next date of hearing to enable the Court to take an informed decision on all ancillary and consequential issues arising in the matter.

15. The report shall include empirical findings, reasoned recommendations, and proposed reforms, which will aid this Court in instituting systemic improvements to enhance the overall efficacy, accountability, and integrity of the office of the Government Advocate.

(FARJAND ALI),J

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