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WP-38432-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 22nd OF APRIL, 2026

WRIT PETITION No. 38432 of 2025

COURT ON ITS OWN MOTION

Versus

HIGH COURT OF MADHYA PRADESH

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Appearance:

Shri Sandeep Kumar Shukla - Advocate for the respondent.
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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

1. The suo moto petition was registered pursuant to cognizance taken by a coordinate Bench of this Court on 22.9.2025. The coordinate Bench of this Court noticed two orders passed by a Single Judge of this Court sitting at the Gwalior Bench and was of the view that certain observations in the order were in excess of the exercise of bail jurisdiction or the power of superintendence under Article 227 and 235.

2. We note that the coordinate Bench of this Court itself recorded that judicial discipline dictates that the orders under consideration (i.e. orders passed by learned Single Judge of this Court sitting at Gwalior) were untouchable by this Court and the discretion was only with the Supreme Court to judicially consider the said orders. Accordingly, a direction was issued to the Registrar General of this Court to file a Special Leave Petition



before the Supreme Court.

3. Subsequently, this Court had called for the record of the cases as well as a report from the Principal Registrar (Vigilance). Thereafter, the matter has been placed before the Administrative Committee.

4. Reference may be had to the judgment of Supreme Court in **Shuvendu Saha vs. State of West Bengal and another, SLP (Crl.) No.5486/2026** order dated 09.04.2026, wherein the Supreme Court has held that whenever any flaw or infirmity is noted in any order passed by the trial Judge by the High Court while exercising the supervisory jurisdiction, the same should be considered in an in-house mechanism by the High Court. Relevant paras reads as under:-

"35. Before parting, we may record a discordant note that it has become a recent trend to castigate Judicial Officers and record adverse remarks/strictures against them in judicial orders passed by the High Court in the exercise of supervisory, appellate or revisional jurisdiction. The High Court, being a Court of record in the State, is expected to act as the guardian of the Officers in district judiciary. While finding infirmities in the order passed by a Judicial Officer, the immediate reaction ought not to be to make adverse or disparaging observations against the concerned Judicial Officer in a judicial dispensation.

36. Such disparaging remarks/strictures may ruin the career of the Judicial Officer in addition to demoralising the district judiciary as a whole. Power of superintendence conferred upon the High Courts by Article 227 of the Constitution of India ought not to be used as a tool of oppression but rather as a mechanism for nurturing and guiding the Judicial Officers in the State.

37. In some High Courts an in-house mechanism is already in place to take care of a situation, whenever any flaw or infirmity is noted in any order passed by the trial Judge by the High Court while exercising the supervisory jurisdiction. The observations of the Hon'ble Judge/Bench on the merits or quality of the order or the proceedings of the presiding officer of the trial Court can be noted in a remark slip which, in turn, would be placed before the administrative Judge or the Chief Justice of



the High Court, as the case may be, for necessary follow-up action."

5. The High Court of Madhya Pradesh has already adopted the procedure on administrative side that any observation made in a judicial order or any recommendation made by a Judge of this Court is to be placed before the Administrative Committee.

6. Keeping that in mind that the proceedings have already been placed before the Administrative Committee for its consideration and the matter is under active consideration of the Administrative Committee, we recall the order dated 22.9.2025 in so far as it issued a direction to the Registrar General of this Court to approach the Supreme Court, and direct that further action be taken in accordance with the recommendation of the Administrative Committee and by the Competent Authority thereafter.

7. The proceedings are accordingly closed in the above terms.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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