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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL.) /2024 (To be numbered)

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

STATE

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

14.03.2024

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1. This matter has been taken up *suo-motu* on mentioning before this Court by Smt. Saira Bano.
2. Smt. Saira Bano has also produced her Aadhaar Card in token of proving her identity which is taken on record. She states that her daughter Shabnam is in judicial custody in case FIR No. 22/2019, registered at Police Station Kotla Mubarakpur under Sections 366A/372/370A/420/506/34 of Indian Penal Code, 1860. She further states that Ms. 'X', who is a jail visiting advocate and was pursuing the aforesaid matter, had given an order of this Court to her daughter in jail, in which it was mentioned that the order on her bail application had been reserved after hearing arguments on 18.11.2023. However, Smt. Saira Bano states that when she had visited her daughter in the jail, her daughter had asked her to enquire about the status of her bail application. She also mentions that since the order in the bail application was reserved by this Court, she had come to this Court to



find out about the outcome.

3. A detailed statement of Smt. Saira Bano has been recorded by this Court separately containing all the relevant details disclosed by her, in the presence of Sh. Sanjay Lao, Standing Counsel (Criminal) and Sh. Sanjeev Bhandari, Additional Standing Counsel (Criminal).

4. Today, Smt. Saira Bano, who has appeared before this Court, has handed over a copy of an order, purported to have been passed by this Court in one BAIL APPLN. 6753/2023, on 18.11.2023, titled 'Shabnam v. State of NCT of Delhi', *vide* which arguments were allegedly heard by this Court and the order was reserved.

5. This Court, being surprised about the pendency of any such bail application reserved for orders before this Court for allegedly four months had checked the records of the Court and had found that the details of such application or arguments being heard in this application is not reflected in the records of this Court.

6. Upon further **checking** the records, it has been found that no bail application with number 6753/2023 has been filed before this Court ever, and that the alleged date of the hearing of bail application and reserving of the bail order is mentioned as 18.11.2023 which happens to be Saturday i.e. a holiday.

7. Reply and details with regard to any bail application being filed with number 6753/2023 has also been obtained from the Registry today wherein it has been submitted that in the year 2023, no such Bail Application was filed before the Delhi High Court.

8. It also transpired during further inquiry by this Court with its Court staff that on 18.09.2023, an order was passed by this Court, in one



CRL.M.C. (*details not being mentioned in this order*), and the judgment had been reserved after hearing arguments. The said CRL.M.C. has already been finally disposed of on 17.10.2023. This Court had looked into this order dated 18.09.2023 since the item number of the said order and the order produced before this Court was similar. The same is also not being disclosed in this order.

9. A bare perusal of two orders i.e. the copy of alleged order dated 18.11.2023 purportedly passed in BAIL APPLN. 6753/2023 produced before this Court by Smt. Saira Bano, and the order dated 18.09.2023 passed by this Court in the aforesaid CRL.M.C. reveals that the alleged order dated 18.11.2023 is a forged and fabricated document, which has been prepared after editing some details of the order dated 18.09.2023 passed by this Court in the aforesaid CRL.M.C. The numbers of the CRL.M.A. mentioned in alleged order dated 18.11.2023 as well as the name of counsel for respondent have not been edited and they are same as those mentioned in original order dated 18.09.2023 passed by this Court. The item number mentioned on the margin of the order also remains the same in both orders and has not been changed. The name of counsel for the applicant/petitioner in these two orders is different. However, this Court also notes that the jail visiting advocate Ms. 'X', who had handed over the copy of alleged order dated 18.11.2023 to the daughter of Smt. Saira Bano, was also the counsel for petitioner who had appeared and argued in the aforesaid CRL.M.C. on 18.09.2023.

10. It is a serious concern of this Court as to how a forged and fabricated order of this Court has been prepared and the litigant herein was under impression that this Court has reserved the order on bail application of her



daughter for last four months, whereas there is no order pending reserved before this Court for more than two/three months, at any point of time.

11. **In these circumstances**, let copy of this order, alongwith the alleged order dated 18.11.2023 produced by Smt. Saira Bano and the original order of this Court dated 18.09.2023 passed in another case and the statement of Smt. Saira Bano recorded before this Court, **be sent to the Registrar General of this Court**, who is directed to lodge a complaint, either himself or through his authorized representative, with the concerned SHO. The SHO concerned shall conduct an enquiry forthwith and proceed as per law.

12. Since Smt. Saira Bano, who appears before this Court, is the mother of the accused Shabnam, who is in judicial custody, for whose release she had sought assistance of a jail visiting advocate and because now the above proceedings have transpired, this Court deems it essential to appoint an *Amicus Curiae* in this case to assist the accused Shabnam who is in judicial custody in FIR No. 22/2019, P.S. Kotla Mubarakpur, whose *pairokar* is Smt. Saira Bano. Accordingly, Sh. Harsh Prabhakar, Advocate is appointed as *amicus curiae* in this regard. Sh. Harsh Prabhakar will assist Smt. Saira Bano in the present case too, in case any FIR is registered on the basis of these proceedings.

13. **Before parting with this order**, this Court must mention that it is alarming, shocking as well as disconcerting that a forged/fabricated/manufactured bail order of this Court has been prepared and handed over to the accused who had handed it over to her mother, when she had visited her in jail. The mother of the prisoner is illiterate and lacks understanding of legal matters. When she appeared before this Court, she was agitated and was overcome with emotion of distress and in tears that despite her



order being reserved for four months, as per her counsel, the Court had not passed any order thereon.

14. It is a very serious matter of *prima facie* forgery and fabrication of order of Delhi High Court which requires investigation, as it is not only about alleged forgery of a bail order, which itself is a serious offence and a matter of grave concern, but together with it is another crucial accompanying issue that the forged/fabricated order had been allegedly handed over to an undertrial prisoner by a jail visiting advocate, who has been appointed to assist and help the undertrials. The prisoner in turn had given the said order to her mother who is her *paikar* to make inquiry from the Court as to why no orders had been passed despite a lapse of four months from the date of allegedly reserving the order. The mother of the accused was under the impression that her bail application had been heard, whereas, neither any bail application on behalf of accused had ever been filed nor heard or order reserved therein. It is also an issue of giving false hopes to an undertrial prisoner and also the prisoner will be under an impression that the bail application had been argued and reserved for the last four months. The misinformation and forged/fabricated document allegedly given to the accused made her believe that her bail application is reserved for orders, as a result of which she was not able to take recourse to any other legal remedy which she could have taken.

15. In this Court's opinion, in such facts and circumstances, and faced with a situation where a forged/fabricated order of this Court has been allegedly handed over to an undertrial prisoner, it is the duty of this Court to remind all litigants that they themselves can also verify the authenticity of such orders by click of a button or due caution.



16. Thus, it becomes crucial for this Court to inform and pass directions in the background of facts of this case to all the stakeholders concerned including the general public by way of this order that they may exercise caution and diligence, if they deem appropriate in connection with any order or judgment of this Court handed over to them.

17. For the convenience of all concerned, this Court passes the following order to inform all stakeholders and public at large about the process through which they may check the authenticity of this Court's orders or judgments:

How to Check the Authenticity of Orders Downloaded from the Website of Delhi High Court?

18. Authentic orders downloaded from the website of this Court i.e. '<https://delhihighcourt.nic.in>' **will feature** an '*emblem*' of Delhi High Court and a '*QR code*' for verification on the top of the order, and a timestamp indicating when the order was downloaded from the site of Delhi High Court on the bottom of the order.

How to Check the Authenticity of Judgments Downloaded from the Website of Delhi High Court?

19. Similarly, in the case of a judgment downloaded from the Delhi High Court's website, it will **include** a 'QR Code' that can be scanned for verification. The judgment **will also bear** a digital signature that will be visible on every page of the judgment.

20. Thus, the parties can independently access orders or judgments on the Delhi High Court's website, which is designed in a **user-friendly format** in addition to the assistance of their counsels in this regard.



21. Further, every order or judgment can be **downloaded** from the website of the Delhi High Court free of cost i.e. **without payment** of any money.

Caution in Cases of Dasti Orders

22. If a party receives an order marked as 'Dasti', **the first step** they should take is to verify whether the order **contains** a specific line directing it to be provided as 'Dasti', and **secondly**, whether the copy of the order has been **stamped** and **signed** by concerned officers of Registry.

23. Similarly, when the parties are presented with an order which is 'Dasti' under the signatures of the 'Court Master', the **first step** parties should take is to verify whether the order **contains** a specific line directing so, and whether the copy of order bears the **stamp** and **signatures** of the Court Master concerned.

24. The above two categories can be **cross-checked** by accessing the website of the Delhi High Court by following **the three steps**:

STEP 1: Open the official site of High Court of Delhi, i.e. 'https://delhihighcourt.nic.in'.

STEP 2: Open the category of either 'Judgments' or 'Orders', which is visible on the Home Page of the site.

STEP 3: You will be redirected to a search page, from which the respective judgment or order could be downloaded by using the available search options, including the case category, name of judge, name of party, or name of the advocate.

25. The worthy Registrar General of this Court is requested to get this



order translated into Hindi through the concerned Committee of this Court and place it on the website of the Delhi High Court subject to the orders of the concerned IT Committee.

26. Let a copy of this order be forwarded to Jail Superintendents of all Delhi Prisons, for bringing the same to the knowledge of prisoners, whether under-trials or convicts. A copy be also forwarded to Member Secretary, DSLSA and Secretary, DHCLSC, as well as to the Principal District & Sessions Judge, Head Quarter and all the Principal & District Judges of Delhi for information.

27. **This Court is not mentioning either the name of the alleged advocate or even *prima facie* making or expressing its opinion about the advocate concerned since the advocate has not been heard and therefore, under no circumstances can be or should be stigmatized.**

28. List on 15.04.2024, awaiting outcome of the above proceedings.

29. The Registry is also directed to register the present case and give number to this petition.

30. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 14, 2024/ns