$~51

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

\# **CNR No. DLHC010506232026**

\+ **CRL.M.C. 7915/2026**

MAQSOOD AHMED .....Petitioner

Through: Mr. Ramesh Gupta, Sr. Advocate with Mr. Hemant Gupta, Advocate.

versus

STATE NCT OF DELHI .....Respondent

Through: Ms. Manjeet Arya, APP for State with IO/SI Ankit.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

O R D E R

% **27.10.2026**

CRL.M.A. 33064/2026 & CRL.M.A. 33065/2026 (exemption)

1. Allowed, subject to just exception.

CRL.M.C. 7915/2026 & CRL.M.A. 33242/2026 (stay)

2. The petitioner, posted as Director of Prosecution, Tis Hazari, Delhi has assailed order dated 06.10.2026 passed by the learned Additional Sessions Judge, whereby cost of Rs.5,000/- was imposed against the State, to be recovered subsequently from salary of the petitioner. The reason for imposition of cost was that despite repeated passovers till 11:30am, no public prosecutor appeared before the learned Additional Sessions Judge.

3. Learned senior counsel for petitioner submits that the learned

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 28/10/2026 at 22:33:38

Additional Sessions Judge, despite having been informed about the acute shortage of public prosecutors and additional prosecutors, imposed such cost to be recovered from salary of the petitioner. It is also submitted by learned senior counsel that issue of shortage of public prosecutors is already pending before the Division Bench of this court.

4. The impugned order is a conspicuous expression of anguish of the trial judge, who faces pressure of overflowing dockets and expectation of the superior courts as regards expeditious disposal of the bail matters and even trials. At the same time, directions for recovery of the cost from salary of the petitioner in the absence of any specific observation regarding any malfeasance or misfeasance, would *prima facie* not be proper.

5. Therefore, operation of the impugned order to the extent of recovery of the cost from the petitioner till next date is stayed.

6. Learned senior counsel for petitioner presses for stay on operation of the complete impugned order including the cost imposed against the State. It is submitted by him that since a number of public prosecutors were on leave, appropriate action could not be done by the petitioner. Firstly, learned senior counsel has appeared for petitioner and not for the State. Secondly, shortage of prosecutors has become a perennial problem, which severely impacts the disposals of criminal trials and even bail matters. This is not a new problem. There is nothing before me to show any serious steps being taken by the State. Rather, State has not even challenged the said order. Therefore, I am not inclined to stay imposition of cost on the State.

7. Learned APP assisted by IO/SI Ankit accepts notice and seeks and is allowed to file detailed reply/status report at least one week before the next date.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 28/10/2026 at 22:33:38

8. Relist on 03.02.2027 in Advance List.

GIRISH KATHPALIA, J

OCTOBER 27, 2026/*ry*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 28/10/2026 at 22:33:38