

**Farewell Speech by Hon'ble Mr. Justice Pankaj Mithal, Chief Justice, Rajasthan High Court on the eve of retirement of Hon'ble Mr. Justice Prakash Gupta, Judge, Rajasthan High Court, Jaipur on 10<sup>th</sup> November, 2022 at 3.45 PM through Video Conferencing.**

1. My dear brother Prakash Gupta Ji, Madam Pushpa Gupta and all members of his family;
2. My Esteemed brother & sister Judges on the Bench;
3. Shri Mahendra Singh Singhvi,  
Advocate General, Rajasthan;
4. Shri Sunil Beniwal,  
Chairman, Bar Council of Rajasthan, Jodhpur;
5. Shri Nathu Singh Rathore,  
President, Rajasthan High Court Advocates Association,  
Jodhpur;
6. Dr. Nikhil Dungawat,  
Vice President, Rajasthan High Court Lawyers Association,  
Jodhpur;
7. Shri Giriraj Prasad Sharma,  
General Secretary, Rajasthan High Court Bar Association,  
Jaipur;
8. Shri Kamal Kishore Sharma  
President, The Jaipur Bar Association, Jaipur;
9. Learned Senior Advocates;
10. Learned Members of the Bar;
11. Members of Judicial Service and Registry;
12. Last but not the least, all former Judges of the High Court;
13. Ladies & Gentlemen.

1. Today, we have gathered here to bid warm and affectionate farewell to brother Hon'ble Shri Justice Prakash Gupta, who is demitting office after rendering more than 24 years of distinguished services to the Rajasthan Judiciary including 8 years as a High Court Judge.
2. It is an occasion to honour him, share words of goodwill & best wishes and to highlight his contributions, achievements and qualities. It is extremely difficult for me to encompass his vibrant career and significant contribution in the administration of justice in a few words. My personal acquaintance with him is though very short, but is everlasting.
3. Justice Gupta was born on 11<sup>th</sup> November, 1960, in the family of a renowned lawyer Shri Ganesh Narayan Ji Gupta. After completing B.Com., he obtained the Degree of Law from University Law College, Jaipur. He got himself enrolled as an Advocate with the Bar Council of Rajasthan in 1985 and started practice in all subjects of law, especially in civil and criminal sides. During advocacy, he displayed remarkable skill, dedication, devotion, commitment and diligence, as a result of which, he developed a lucrative practice and all round recognition.
4. Justice Gupta was having a flourishing practice, but still with a view to serve the cause of justice and to associate himself with the Justice Delivery System, he participated in the direct recruitment to the Rajasthan Higher Judicial Service and succeeded. Thus, his judicial journey commenced on 20<sup>th</sup> April, 1998, when he was

appointed as Additional District and Sessions Judge. He held the posts of Additional District Judge at Kota, Ajmer, Bundi and Alwar; Judge, Industrial Tribunal cum Labour Court, Bharatpur; Additional Director (Litigation), Law and Legal Affairs Department, Jaipur; and Judge, MACT, Ajmer. Thereafter, he served as District and Sessions Judge, Churu and Kota. He was also entrusted with various important and prestigious posts, such as Registrar (Vigilance), Rajasthan High Court, Jaipur; Secretary, Lokayukta, Secretariat, Jaipur; and Principal Secretary, Law, Legal and Parliamentary Affairs Department, Jaipur.

5. Justice Gupta as a Judicial Officer showed good caliber, proficiency and excellence in imparting justice and considering his service record and over all performance, he was elevated as a Judge of the Rajasthan High Court on 15<sup>th</sup> October, 2014.

6. Though, I did not have any opportunity to work with him on judicial side, but during interactions and in meetings on administrative side, I found him to be a good human being and a multi talented personality possessing vast knowledge of law. It is manifestly evident from his judicial career not only as a Judicial Officer but also as a Judge of this Court that he is a man of courage with impeccable character. He is epitome of simplicity, magnanimity and humbleness. His absolute dedication and devotion to duties is unparalleled. He conducted the court proceedings in a cool and calm manner maintaining discipline, decorum, traditions and highest standard of judicial ethics. Personalities never weighed with him

and every lawyer who appeared before him never felt uneasy. He treated every one alike. He always provided constant guidance and help to the budding lawyers to achieve excellence in the profession. On account of these virtues and qualities, he was highly respected by the Bench and Bar.

7. During his tenure as Judge of the High Court, Justice Gupta worked assiduously and has disposed of as many as 18,289 cases, which includes 10,798 main cases and 7,491 misc. cases, while sitting in Division Benches and Single Bench. His judgments, covering all spheres of law, are concise, vivid and lucid and bear the stamp of his learning, competence, judiciousness, sound knowledge of law and sense of doing justice strictly in accordance with the well accepted principles of law.

8. In **Boutique Hotels (India) Pvt. Ltd. Vs. State of Rajasthan & Ors. [SBCWP No. 11662/2018 decided on 11.11.2019]**, Justice Gupta held that even if a condition was wrongly included in the letter of allotment and the NOC issued by the JDA to construct a 60 ft. road would not create any right in favour of the petitioner to use the road if it actually falls within the forest area.

9. In **State of Rajasthan and ors. V/s Yogesh Kumar Saini and ors. [D.B.Special Appeal (Writ) No.396/2020 and other connected appeals]**, Justice Gupta authoring the judgment for the Division Bench observed that pursuant to the 103<sup>rd</sup> amendment made to the Constitution, reservations can be provided to

candidates belonging to EWS candidates for admissions to educational institutions under Article 15(6). The policy of reservation is within the exclusive domain of the State and the MCI cannot curtail the power or discretion of the State in this regard.

10. In **Smt. Ambika Devi Vs. State of Rajasthan [D.B. Criminal Appeal No. 1147/2009 decided on 28.01.2016]**, Justice Gupta observed that the law relating to proof of a criminal charge by means of circumstantial evidence would hardly require any reiteration, save and except that the incriminating circumstances against the accused, on being proved, must be capable of pointing to only one direction and no other, namely, that it is the accused and no body else who had committed the crime. If the proved circumstances are capable of admitting any other conclusion inconsistent with the guilt of the accused, the accused must have the benefit of the same.

11. Brother Gupta has played a pioneering role in ensuring cheap, quick and qualitative justice and also in fulfilling the goal of providing 'access to justice' by ensuring justice at door step for all especially poor, underprivileged, vulnerable group, down trodden and those living below the poverty line. He laid great emphasize on the need of spreading and invoking of ADR mechanism especially mediation and Lok Adalat.

12. Apart from making a significant contribution and an indelible mark on judicial side, Justice Gupta, on administrative side also, as member of various committees including Administrative Committee,

has played a pivotal role. He was assigned various sensitive administrative responsibilities which shows the faith that high court had reposed in him. Whatever task was entrusted to him, he carried out the same with due diligence, perfection and without affecting his judicial functions. His esteemed views, advice and suggestions were always found to be concrete which helped to a great extent in resolving the complicated issues with ease. The Institution shall always remain indebted to him for the meticulous services and immeasurable contribution made by him in the administration and dispensation of justice.

13. Though Justice Gupta is demitting the office, but he shall always remain in our hearts. His commitment and distinguished career will continue to shine and glitter and provide a source of inspiration to the legal practitioners. I hope he will continue to work in the same manner and spirit and use his vast knowledge and experience for serving the cause of justice and for welfare of the society.

14. I, on behalf of the Judges of this Court and on my own behalf, wish him all the good luck in his future pursuits. May choicest blessings of the Almighty be showered on him and his family members to lead a very delightful, healthy, prosperous and peaceful life.

THANK YOU.