

**FAREWELL SPEECH ON THE RETIREMENT OF HON'BLE  
MR. JUSTICE RAVINDRA KUMAR GAUBA, THE JUDGE OF  
DELHI HIGH COURT ON 03.12.2019 AT 3:00 P.M.**

---

**JUSTICE D. N. PATEL**  
**CHIEF JUSTICE**

Justice Ravindra Kumar Gauba,  
My esteemed brother and sister Judges,  
Smt. Maninder Acharya, Additional Solicitor General,  
Shri Piyush Gupta, Co-Chairman, Bar Council of Delhi,  
Shri Mohit Mathur, President, Delhi High Court Bar Association,  
Shri Jatan Singh, Vice-President, Delhi High Court Bar  
Association,  
Shri Abhijat, Secretary, Delhi High Court Bar Association,  
Shri Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT of  
Delhi,  
Standing Counsels of the Central and State Government,  
Executive Members of the Delhi High Court Bar Association,  
Office Bearers of Bar Council of Delhi and other District Bar  
Associations,  
Senior Advocates,  
Members of the Bar,  
Family members of Justice Ravindra Kumar Gauba,  
Ladies and Gentlemen,

We have assembled here today to bid farewell to our esteemed colleague Justice Ravindra Kumar Gauba, who demits office on superannuation after a distinguished and fulfilling career.

Justice Gauba born on 4<sup>th</sup> December 1957 in Punjab. He did his graduation in Bachelors of Arts and thereafter completed his Bachelors of Education from Osmania University, Hyderabad. He completed his Law degree from Jabalpur University, Madhya Pradesh.

On 24<sup>th</sup> November 1981, Justice Gauba started his judicial career by joining Madhya Pradesh Judicial Service. He joined Delhi Judicial Service on 19<sup>th</sup> August 1983 and presided over the Courts of Civil Judge, Metropolitan Magistrate and Rent Controller etc.

Justice Gauba was promoted to the Delhi Higher Judicial Service on 20<sup>th</sup> November 1997 and served in various capacities, including as Special Judge for NDPS and anti-corruption cases. He was Chief Metropolitan Magistrate for Delhi during 1998-2000. He also presided over the Motor Accident Claims Tribunal, Sessions Court, Family Court, etc.

Justice Gauba also worked twice as the Registrar Vigilance of this Court and also as Registrar Vigilance of the Supreme Court of India. He also worked on deputation as Officer on Special Duty (Judicial) with the 1<sup>st</sup> Central Review Committee under Prevention of Terrorism Act, 2002.

Justice Gauba while being District & Sessions Judge, Saket introduced many administrative reforms, which augmented the administrative capacity and strength of the District Courts.

On 15<sup>th</sup> December, 2014 Justice Gauba was elevated as an additional Judge of Delhi High Court and became permanent Judge on 02<sup>nd</sup> June 2016.

On the administrative side, Justice Gauba served as a Member and Chairman of various committees. He served as a Member of the State Court Management Systems Committee, the Building Maintenance and Construction Committee (BMC) Saket Court, the Committee to examine the pendency of cases in this Court, Examination-cum-Judicial Education and Training Programme Committee, Vigilance Committee for members of Delhi Higher Judicial Service (DHJS) and Delhi Judicial Service (DJS), Inspection Committee, 2019 and as a Chairman of Criteria Committee, Committee to review current postings of Judicial Officers etc and Chairman of Transfer and posting Committee of the Judicial officers. He was also a part of a Committee of High Court Judges from different High Courts setup by the Hon'ble Supreme Court to consider framing of draft rules on electronic evidence.

Throughout his distinguished career as a Judge, Justice Gauba has delivered numerous judgments on various jurisdictions which have immensely contributed towards the growth of procedural and substantive law. Justice Gauba has also immensely contributed while sitting in the Division

Benches however, keeping in view paucity of time I am referring a few of which deserve special mention.

In **People for Animal vs. Md Mohazzim and Anr..**, while dealing with the Prevention of Cruelty to Animals Act, 1960 invoked the Article 51-A (g) of the Constitution of India to remind to have compassion for living creatures" and their internationally recognized right to "freedom from pain, injury and diseases and set aside the order of Metropolitan Magistrate releasing the "exotic birds" to the first respondent and birds/animals were directed to be handed over to the Sanjay Gandhi Animal Care Centre. This order shows the extreme humane approach of Justice Gauba and his care and concern for all living creature including birds and animals.

In **Gaya Prasad Pal @ Mukesh vs. State**, Justice Gauba speaking for the Division Bench delivered a land mark judgment deliberating upon all the facets of compensation to the sexual offence victims and inter alia held that the appropriate authority to "prescribe" parameter and method for calculation of the amount of compensation in cases of varied nature. Justice Gauba also emphasised upon the fact that identity of the victim in such cases, includes, the identity of family, school, relatives, neighbourhood or any other information by which his / her identity may stand exposed.

In **Deputy Director, Directorate of Enforcement of Delhi**, Justice Gauba disposed off bunch of petitions involving common questions of law, concerning nature of property that

may be attached under PMLA as indeed the conflict arising from claim of bonafide acquisition of interest by third parties. Justice Gauba inter alia held that process of attachment of proceeds of crime, under PMLA is in the nature of civil sanction which runs parallel to investigation and criminal action vis a vis the offence of money laundering. Justice Gauba further held that the property to be attached, may not be confined to "tainted property" - that is to say a property acquired or obtained, directly or indirectly from proceeds of criminal activity. The property of equivalent value of offence of money laundering, the later "not bearing any taint", but, being alternative attachable property (deemed tainted property) on account of its links or nexus, with the offence (or offender) of money laundering.

In **Yashpal Chaudhrani and Ors.**, Justice Gauba while dealing with bunch of petitions relating to mediation settlements, in criminal cases, broadly laid down guidelines. Justice Gauba inter alia observed that before referring a criminal case to mediation, the court before even ascertaining element of settlement, must first examine, by preliminary scrutiny, the permissibility in law for criminal action to be brought to an end either because of the offence involved is compoundable or because the High Court would have not inhibition to quash it, bearing in mind the broad principles that govern the jurisdiction under Section 482 of Criminal Procedure Code, 1973. Justice Gauba also emphasised upon, need of institutional mechanism to bring about consistency and

uniformity in approach of the mediator besides system of vetting of the settlement in such cases.

In **Ashok Kumar Gupta and Others**, Justice Gauba while allowing the petition for quashing of an FIR, under Section 306 IPC inter alia observed that "Commission of suicide must be the intended objective to be achieved, by the person accused of abetment. While examining the culpability, the court would undoubtedly discount hyper-sensitivity to ordinary petulance, discord or differences as happen in day-to-day human interaction".

In **Shambir and Others** , Justice Gauba while dealing with a criminal appeal against the conviction by the trial court made meaningful suggestions for reforms in the criminal law, while dealing with cases of vast magnitude. Justice Gauba as a profound student of Law, suggested certain far reaching reforms to be undertaken, by the executives, legislature and other stakeholder of the justice delivery system.

In **Chetan Malhotra vs. Lala Ram and Ors.** while disposing of sixteen appeals concerning the method of calculation of compensation in accident claim cases, involving deaths of children in motor vehicular accidents by common judgments inter alia laid down important guidelines to bring about consistency and uniformity.

Justice Gauba has rendered all possible assistance that the Institution expects from a Judge in discharging his Constitutional obligations and he shall be remembered for his

positive approach and support in all our Court related activities as well as for the discipline he maintained on and off the Bench.

During my tenure in this High Court, I have found Justice Gauba to be a sincere, hard-working and a humane person. As a Judge of this Court, his contribution to the cause of justice will always be, remembered and cherished.

Justice Gauba is parting company with us, but, only as a sitting Judge of this Court. He shall be in our hearts as a member of our family. I am sure that even after retirement, he would always be eager to lend his helping hand, whenever this institution requires his services.

I extend my best wishes and congratulate his family members, Wife: Dr. Shuchi Gauba, Daughter: Mrs. Shriya Agrawal and Son-in law: Mr. Nishit Agarwal on this occasion.

I, on my behalf and on behalf of all my colleagues, wish him good luck in his future pursuits.

Jai Hind!