

FAREWELL SPEECH ON THE RETIREMENT OF
JUSTICE SP GARG
01.06.2018

*Justice Gita Mittal,
Acting Chief Justice*

Justice SP Garg,

My esteemed sister and brother colleagues,

Ms. Maninder Acharya, Additional Solicitor General of India,

Sh. Kirti Uppal, President, Delhi High Court Bar Association,

Sh. J.P. Sengh, Vice- President, Delhi High Court Bar Association,

Sh. Amit Sharma, Secretary, Delhi High Court Bar Association,

Sh. Ramesh Singh, Standing Counsel (Civil), Govt. of NCT Delhi,

Sh. Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT Delhi,

Other Standing Counsels of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Presidents, Secretary & Office Bearers of all Bar Associations of Delhi,

Presidents, Secretary & Office Bearers of Bar Council of Delhi,

Senior Advocates,

Learned Members of the Bar,

Family members of Justice SP Garg,

And everyone present

1. We have assembled here, yet again in a short span of a week, to bid farewell to another one of our dear judges - Justice SP Garg upon his retirement from a distinguished career.

2. Born on 15th June, 1956 in Punjab, Justice SP Garg, has had an exemplary academic record. Justice Garg completed his graduation in Bachelors of Commerce in the year 1976, where he stood first and won a National Scholarship. He thereafter obtained his LLB Degree from the Panjab University in Chandigarh in the year 1979 where he was awarded the Kartar Singh Chadha Gold Medal again for standing first. In the year 2001, Justice Garg did his LL.M. from Kurukshetra University.

3. An astute scholar and a consistent gold medallist, Justice Garg maintained his record in securing the first position in the Delhi Judicial Services Examination as well. He joined the service in 1980, which became the stepping stone to a celebrated journey in the Judicial Services.

4. In his remarkable path as an officer of the Delhi Judicial Services, Justice Garg worked as a Metropolitan Magistrate, Civil Judge, Rent Controller and Additional Chief Metropolitan Magistrate.

5. Upon his promotion in 1996 to the Delhi Higher Judicial Services, Justice SP Garg, presided over a diverse spectrum of critical courts

including Special Courts for trial of Murder Cases, Family Courts, Special Judge (CBI) and Special Judge (NIA).

6. Justice SP Garg also completed his training as a mediator.

7. In May, 2008, Justice Garg was made District Judge (In charge) of the New Delhi Distt which duties he ably discharged. In recognition of his contribution to institutional development in December, 2010 he was posted as Principal Secretary (Law, Justice and Legislative Affairs), Govt. of NCT of Delhi.

8. On the 17th of October, 2011, Justice SP Garg was elevated to the Bench as an Additional Judge of the Delhi High Court. He was made a permanent judge on 16th October, 2014.

9. Justice SP Garg has been a judge par excellence, renowned for his legal knowledge, judicious disposition and amiable personality. Being of an equable temperament, and truly amazing fortitude and humility, on as well as off the bench, he has received great respect and constant endorsement of his work from the Bar. Behind this affable personality, is an outstanding and hard working judge known for giving a patient hearing to everyone.

10. Justice Garg is widely respected in the Registry and by his staff.

11. On the administrative side of this Court, Justice SP Garg served as

a Member of several committees of the Delhi High Court including amongst others the Building Maintenance Committees of the Patiala House Courts, Saket Courts, Tis Hazari Courts and the Rouse Avenue Complex; the Purchase and Furnishings Committee; the Committee against Sexual Harrassment at the Workplace and the Scrutiny Committee to Consider the Promotion of Officers of the DJS to the DHJS. He has performed as a single member Committee to decide service appeals from employees of the District Courts.

12. Justice SP Garg has displayed persistent and unyielding commitment to expeditious judicial disposals and stellar legal acumen. The same is exhibited in his landmark judgments.

13. On the judicial side, Justice SP Garg has dealt with several intricate questions of law, which came to be the subject of well-crafted judgments authored by him.

14. In *Santosh Anand v. State*, Justice SP Garg convicted two persons for the conspiracy to make an attempt on the life of Justice AN Ray, the then Chief Justice of India. The appeal pending since the year 1976, arguably the oldest pending criminal appeal, was decided by Justice SP Garg.

15. In *Garvit Indora v. State*, Justice SP Garg, while acquitting an

accused of rape, expounded on the interpretation of '*promise to marry*' for the purposes of attracting the offence of rape.

16. In *Linda Eastwood v. Union of India*, Justice Garg noted that credentials of members of the Internal Complaints Committees (ICC) constituted under the Sexual Harassment Act, shall be without any blemish. In the facts of the case, a *de-novo* inquiry was ordered.

17. In *Hunny v. State*, Justice SP Garg dismissed the appeal of an accused who had been convicted on the testimony of a five year old child who had used gestures on a doll to show what dastardly acts were committed with her. Justice Garg held that the child had duly conveyed as to what the appellant had done with her by the use of gestures.

18. In *Vijay Vaidh v. State*, Justice SP Garg held that it was the duty of every court to award proper sentence having regard to the nature of the offence and the manner in which it was committed. He held that undue sympathy to impose inadequate sentence would do more harm to the justice system to undermine the public confidence in the efficacy of law.

19. In *Dilip Kumar Gupta v. State*, Justice Garg refused to quash proceedings against an accused, who relied on a supplementary statement of the prosecutrix where she somersaulted and sought to exonerate the accused, while the original complaint was unequivocal

about him being the perpetrator of the crime. Justice Garg held that the circumstances in which she changed her version were to be ascertained during trial.

20. The list of the fine judgments authored by Justice SP Garg in distinct jurisdictions, and especially on shaping criminal jurisprudence, are a testament to the dedication with which he has actually outperformed the constitutional mandate of justice dispensation bestowed upon him.

21. Martin Luther King, Jr said that *“Human progress is neither automatic nor inevitable... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertions and passionate concern of dedicated individuals.”* Justice SP Garg is that dedicated individual.

22. This dedication is manifest in his extraordinary disposals. I state with extreme pride that in his 6 and a half year tenure Justice SP Garg has decided and disposed of an astounding 8,853 cases and 16,346 applications. Out of the 1,367 working days he has attended Court on 1,347 days in his tenure.

23. Despite the gruelling standards set for himself, Justice Garg volunteered to hold court on Saturdays. Sitting with brother Justice C Hari Shankar on weekends as part of a Special Bench, Justice SP Garg

has disposed of 37 Criminal Appeals on nine Saturdays.

24. Justice Garg's contribution to justice dispensation will be forever remembered.

25. Justice Garg has been a friend to all of us and as he prepares to depart from this court, Delhi High Court shall miss his presence on the Bench.

26. We wish Justice SP Garg good health and deep contentment with his accomplishments.

27. As he parts from our Bench, on behalf of my colleagues and myself, I convey our best wishes to Justice SP Garg.

Thank you.
