

FAREWELL SPEECH ON THE RETIREMENT OF
HON'BLE MS. JUSTICE SUNITA GUPTA DELIVERED
ON 09.12.2016

G. ROHINI
CHIEF JUSTICE

Justice Sunita Gupta,

My esteemed brother and sister colleagues,

Shri Kirti Uppal, President, Delhi High Court Bar Association,

Shri Sanjay Jain, Additional Solicitor General,

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

Shri Amit Sharma, Secretary, Delhi High Court Bar Association,

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

Other Standing Counsel of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office-bearers of other District Bar Associations,

Senior Advocates,

Members of the Bar,

District & Sessions Judges,

Law Secretary,

Family members of Justice Sunita Gupta,

Ladies and gentlemen.

One of our dear colleagues Justice Sunita Gupta is demitting office today after exemplary service to this High Court for more than three and a half years.

Born on 14th December, 1954, Justice Sunita Gupta did her schooling from West Bengal Board of Secondary Education in First Division in the year 1970 and her Graduation and Post Graduation in Philosophy from University of Delhi in 1973 and 1975 respectively. Justice Sunita Gupta did her LL.B. from Campus Law Centre, Delhi University and was awarded Hiralal Daga Memorial Gold Medal, University Law Union Prize and Certificate of Merit for securing first position in LL.B. She did her LL.M from Kurukshetra University in 2002.

Justice Sunita Gupta enrolled with the with Bar Council of Delhi in 1978 and practiced at District Courts of Delhi before joining Delhi Judicial Service on 10th September, 1980. She worked in different capacities such as Metropolitan Magistrate, Civil Judge, Additional Rent Controller, Mahila Court and ACMM before being promoted to Delhi Higher Judicial Service on 16th November, 1996.

Post her promotion to Higher Judiciary, Justice Sunita Gupta presided over the Bench as Additional District Judge, Additional Sessions Judge, Matrimonial Court, Special Judge (NDPS), Appellate Tribunal MCD. She was appointed as District Judge–cum-Additional Sessions Judge In-Charge, North-East District, Karkardooma Court in 2008 and as District & Sessions Judge on 17th October, 2011.

Justice Sunita Gupta was elevated as an Additional Judge of Delhi High Court on 17th April, 2013 and as Permanent Judge on 18th March, 2015.

From day one, Justice Sunita Gupta has discharged her duties with full dedication and commitment and her zeal to learn more and more made her stand away from others. Her judgments have always been analytical, well researched and well reasoned with innovative approach. While laying down the law, Justice Sunita Gupta has laid emphasis on the social values that a civilized and cultured society is required to perceive and follow.

Her brief tenure as a Judge of this Court is dotted with many path breaking judgments on procedural as well as substantive laws. She has very efficiently dealt with number of Death References, Criminal Appeals, Criminal Revisions, Preventive Detention etc. apart from different subjects on civil jurisdiction.

Some of her important judgments include *Doodh Nath v. State* (Crl.A. No.696/2000). This was a case of brutal rape of a seven year old girl. While dismissing the appeal, it was held that such an act leaves a permanent scar on the personality of the child, inhibiting growth and development and that there are no special reasons warranting imposition of a sentence of lesser term keeping in view the brutality of the crime.

In *Ravi Kumar & Others v. State* (Crl.A. No.819/2011), which was a case of honour killing, it was observed that Indian society is based on the deep rooted value system and traditional values still play a key role in social operation, be it solemnization of marriages or other customary functions. While upholding the judgment and order of sentence passed by the Trial Court, it was observed that despite radical societal changes caused due to multiple factors, the parental dominance over the lives of their children, which includes their education and career decision still exists.

In *Raj Ballabh v. State* (Crl.A. No.476/2004), insanity of the appellant at the time of commission of offence was the main plea that has been urged for reversing the conviction and sentence in question. While dismissing the appeal, it was observed that a person laboring under a delusion or a psychological or psychiatric ailment would not be entitled to be acquitted on the ground of insanity unless it is established that at the time when the crime was committed, he was suffering the delusion, psychological or psychiatric condition and was incapable of knowing the nature of his act or that he was not knowing that what he was doing was wrong or contrary to law.

In *Sanjay Kumar Thakur v. North Delhi Municipal Corporation of Delhi* [W.P.(C) N.5828/2016], the Petitioners who were appointed as Lab Assistant in the erstwhile MCD were claiming that they should be covered under the Old Pension Scheme attributing the delay in appointment/joining to the Respondents. It was held that the delay in issue of appointment letters was bona fide and unintentional and by the time the appointment letters were issued, New Pension Scheme had become applicable. The contention of the Petitioners that the Old Pension Scheme would be applicable to all employees depending upon the date when the recruitment process was initiated was rejected and the writ petition was dismissed.

It is deducible from the Judgments that Justice Sunita Gupta decided both procedural and substantive matters with the same level of care placing reliance upon the principles of social justice and equity to redress the grievance of the aggrieved parties as best as she can, without deviating from the letter of the law.

As a member of the noble profession, she religiously worked to maintain the dignity, sincerity and nobility of the profession.

Justice Sunita Gupta has also been a member of various committees including Criteria Committee, Monitoring Committee to Oversee the Functioning of All District Mediation Centres in Delhi, and has made enormous contribution for the well being of the institution.

On my behalf and on behalf of my brother and sister Judges, I wish her success in all her future endeavors. “May the choicest blessings of the Almighty be showered on her and her family for more happy, healthy and prosperous years to come”.

Thank you.