



In the course of hearing Mr.Ravinder Kumar Yadav, submitted that the District Bar Association, Gurgaon had passed a Resolution not to represent the accused in the court but later on the same has been withdrawn. Be it noted, initially the accused was produced before the Judicial Magistrate, First Class, Sohna, but thereafter realising the fact that the the victim was a child who had been sexually abused, the matter was sent to the Court of the Special Judge which is the competent court for dealing with the matter under Protection of Children from Sexual Offences Act, 2012 (for brevity "the POCSO Act"). At present the matter is pending before the Special Judge, Gurgaon who is authorized to deal with the case under the POCSO Act.

At this stage, it is necessary to state without any hesitation that an accused, whatever the offence may be, has the inherent right to be represented by a counsel of his choice. The tradition of the Bar and the fundamental conception pertaining to access to justice does not permit any Bar Association to pass a resolution of the nature that had been done. However, the solace is that after realising the fault, the Bar Association has withdrawn the resolution. It is a redeeming act.

Mr.R.K.Yadav, representing the Bar Association submits in no uncertain terms that none of the members of the Bar Association shall create any kind of hindrance or

obstruction for the smooth hearing before the learned Special Judge who is expected to proceed keeping in view the provisions enshrined under the POCSO Act. In view of the aforesaid, the petitioner can get himself represented through a counsel of his choice before the Special Court and in accordance with the provisions contained in the said Act.

Despite the aforesaid assurance we are obliged to direct that none of the members of the Bar shall create any kind of impediment in the ingress and regress of any counsel representing the petitioner. Needless to emphasise, the family members of the accused can accompany the lawyer. It shall be the responsibility of the office bearers of the Bar to see to it that the order is complied with in entirety because any deviation shall be seriously dealt with.

Barring the prayer for proper representation, all other prayers are not pressed at present.

The writ petition is accordingly disposed of.

(Ashok Raj Singh)  
Court Master

(Shakti Parkash Sharma)  
Asstt. Registrar