

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE RAVI MALIMATH,
CHIEF JUSTICE
&
HON'BLE SHRI JUSTICE VISHAL MISHRA**

CONTEMPT PETITION (CRIMINAL) No.1 of 2013

BETWEEN:-

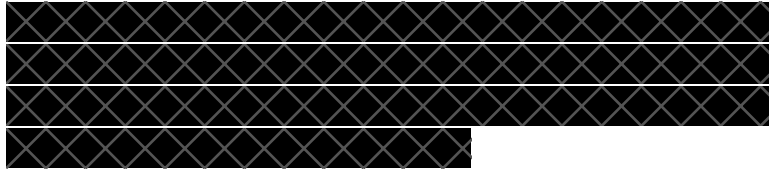
IN REFERENCE

.... PETITIONER

***(SHRI PUSHPENDRA YADAV – ADVOCATE APPEARS AS AMICUS
CURIAE)***

AND

MANOJ KUMAR SHRIVASTAVA



.... RESPONDENT

(PARTY-IN-PERSON)

CONTEMPT PETITION (CRIMINAL) No.2 of 2013

BETWEEN:-

IN REFERENCE

.... PETITIONER

***(SHRI PUSHPENDRA YADAV – ADVOCATE APPEARS AS AMICUS
CURIAE)***

AND

MANOJ KUMAR SHRIVASTAVA [REDACTED]

[REDACTED]

... RESPONDENT

(PARTY-IN-PERSON)

CONTEMPT PETITION (CRIMINAL) No.3 of 2013

BETWEEN:-

IN REFERENCE

... PETITIONER

(SHRI PUSHPENDRA YADAV – ADVOCATE APPEARS AS AMICUS CURIAE)

AND

MANOJ KUMAR SHRIVASTAVA [REDACTED]

[REDACTED]

... RESPONDENT

(PARTY-IN-PERSON)

CONTEMPT PETITION (CRIMINAL) No.4 of 2013

BETWEEN:-

IN REFERENCE

... PETITIONER

(SHRI PUSHPENDRA YADAV – ADVOCATE APPEARS AS AMICUS CURIAE)

AND

MANOJ KUMAR SHRIVASTAVA [REDACTED]

[REDACTED]

... RESPONDENT

(PARTY-IN-PERSON)

CONTEMPT PETITION (CRIMINAL) No.5 of 2013

BETWEEN:-

IN REFERENCE

... PETITIONER

(SHRI PUSHPENDRA YADAV – ADVOCATE APPEARS AS AMICUS CURIAE)

AND

MANOJ KUMAR SHRIVASTAVA [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

... RESPONDENT

(PARTY-IN-PERSON)

CONTEMPT PETITION (CRIMINAL) No.6 of 2013

BETWEEN:-

IN REFERENCE

... PETITIONER

(SHRI PUSHPENDRA YADAV – ADVOCATE APPEARS AS AMICUS CURIAE)

AND

MANOJ KUMAR SHRIVASTAVA [REDACTED]
[REDACTED]

[REDACTED]

.... RESPONDENT

(PARTY-IN-PERSON)

CONTEMPT PETITION (CRIMINAL) No.7 of 2013

BETWEEN:-

IN REFERENCE

.... PETITIONER

(SHRI PUSHPENDRA YADAV – ADVOCATE APPEARS AS AMICUS CURIAE)

AND

MANOJ KUMAR SHRIVASTAVA [REDACTED]

[REDACTED]

.... RESPONDENT

(PARTY-IN-PERSON)

Reserved on : 26.07.2023

Pronounced on : 25.10.2023

These contempt petitions (criminal) having been heard and reserved for orders, coming on for pronouncement this day, Hon'ble Shri Justice Vishal Mishra passed the following:

ORDER

These *suo motu* contempt proceedings have been initiated against respondent – Manoj Kumar Shrivastava who is an Advocate as per the order by the then Hon'ble Chief Justice dated 10.01.2013.

2. The respondent herein is a petitioner in Writ Petition No.7247 of 2007 seeking a direction to the respondent No.1-Vikram University to quash the appointment of respondent No.2-Dr. Pratishta Sharma to the post of Lecturer in Language (Lab) and to appoint the petitioner on that post. He was consistently making allegations in writing against Hon'ble Judges at Indore Bench submitting repeated applications/communications which were *prima facie* baseless and mischievous.

3. Therefore, in pursuance to the direction issued by the court on 14.09.2012 in Writ Petition No.7247 of 2007 to prepare an index of the complaints made from time to time by the respondent and to be placed before the Hon'ble Chief Justice, along with the record, for orders. Pursuant thereto, the matter was placed before the Hon'ble Chief Justice along with copy of 14 complaints, as reflected from the order sheet dated 09.01.2013. However, the said writ petition was dismissed vide order dated 10.11.2009 and it was challenged in Writ Appeal No.427 of 2009. The same was allowed and the matter was remanded back for fresh hearing. In pursuance thereto, the same was placed before the Single Bench of this Court and vide order dated 04.03.2011, the concerning Judge had directed the matter to be placed before another Bench. Thereafter, vide order dated 23.09.2011, it was again directed to be placed before another Bench. In pursuance to the order of Hon'ble Acting Chief Justice dated 05.11.2011, the matter was placed before Hon'ble Shri Justice N.K. Mody.

4. The complaints which were filed by the respondent were dated 25.07.2011, 01.12.2011, 10.12.2011, 03.07.2012, 21.08.2012, 24.08.2012 and 25.09.2012. In complaint dated 02.05.2012, the

respondent stated that the Hon'ble Court has not decided the Writ Appeal No.300 of 2010 after properly examining the record. But the same being a judicial order could not have been examined on administrative side. With respect to complaint dated 03.07.2012, it simply alleges what proceedings have taken place in the court on 22.11.2011 when Writ Petition No.7247 of 2007 was taken up for hearing. In the complaint, the respondent has raised an apprehension regarding his life and property to be in danger which appears to be quite misplaced. Another complaint dated 21.08.2012 is nothing but a copy of subsequent complaint dated 24.08.2012 which after due consideration has been filed vide approval dated 10.09.2012 under the orders of the Acting Chief Justice. The complaint dated 25.09.2012 again contains baseless aspersions against the Hon'ble Judge at the same time, praying for expeditious hearing in Writ Petition No.7247 of 2007. The complaint dated 24.08.2012 was forwarded by the Principal Registrar Bench Indore to the Principal Seat under the instructions of Hon'ble the Administrative Judge, Bench Indore. The same was placed before Hon'ble Acting Chief Justice. After perusal, it was directed that the same be filed.

5. After perusal of the complaints dated 25.07.2011, 01.12.2011, 10.12.2011, 03.07.2012, 21.08.2012, 24.08.2012 and 25.09.2012, it would reveal contemptuous conduct of the petitioner, the respondent herein, in making false, baseless and mischievous allegations against Hon'ble Judges of this Court which clearly amounts to obstructing the course of administration of justice and maligning the reputation and prestige of the court and thus, lowering the dignity of the court.

Therefore, the Principal Registrar (Judicial) in view of the law laid down by the Hon'ble Supreme Court in the cases of M.Y. Shareef vs The Hon'ble Judges of The High Court of Nagpur, AIR 1955 SC 19 and Radha Mohan Lal v. Rajasthan High Court, (2003) 3 SCC 427 placed a note sheet for initiating of contempt proceedings against the respondent before the Hon'ble Chief Justice who, in turn, approved the same and ordered for registration of separate criminal contempt cases relating to the said complaints in view of contemptuous allegation having been made against the Hon'ble Court and Judges.

6. The matter was placed for the first time before the Division Bench on 23.01.2013 wherein it was found that the letter dated 25.07.2011 sent by the respondent contains language which scandalizes, lowers and tends to lower the authority of the High Court. Accordingly, while admitting these petitions, bailable warrant was issued against the respondent-contemnor for his personal presence. In pursuance thereto, he was present in person vide order dated 01.05.2013 wherein he stated that he has filed the reply to the notices.

7. The background in which these contempt proceedings came to be initiated may first be noted. The excerpts of the complaints which reflect insulting and disrespectful language are as under :

- (i) In complaint dated 25.07.2011, he wrote "माननीय जज साहब श्री पी.के. जैसवाल साहब ने जो निर्णय दिया है उसमें एपीलेण्ट श्री आर.डी. मुसलकर, रजिस्ट्रार, देवी अहिल्या विश्वविद्यालय, इन्दौर को इन-परसन उपस्थित बताया है, जो यह बताता है कि माननीय जज साहब ने श्री आर.डी. मुसलकर को तवज्जो देकर उपकृत किया है, जो अत्याधिक आपत्तिजनक है ।"

(ii) In complaint dated 01.12.2011, he wrote "तो न्यायालय ने मुझसे पूछा कि तुम्हे लेक्चरर बनना है ? तुम्हारी हिन्दी तो ठीक नहीं है ? मैंने कहा कि मैं यूजीसी द्वारा निर्धारित अर्हताएँ उत्तीर्ण हूँ ? इस पर मेरी हिन्दी का माननीय न्यायालय में मजाक उड़ाया गया जिसमें माननीय न्यायाधीश ने कथित अधिवक्ताओं का खुलकर साथ दिया। इससे मेरे मन में भय उत्पन्न हो गया है, मेरी जान-माल को जोखिम उत्पन्न हो गया है।"

(iii) In complaint dated 10.12.2011, he wrote : "मैंने सन् 2009 से आज दिनांक तक आपको संबोधित अनेक शिकायतें प्रस्तुत करी है। कथित शिकायतों पर आपने जो वैधानिक कार्रवाई करी है उसकी जानकारी आप मुझे इस सूचना पत्र प्राप्ति के सात दिनों की अवधि में प्रदान करें। बाद में याद माननीय न्यायालय में प्रकरण प्रस्तुत करना पड़ेगा जिसके अर्जे-खर्चे एवम् परिणामों की जवाबदारी आपकी होगी।"

(iv) In complaint 03.07.2012, he wrote the same thing as in the complaint dated 01.12.2011.

(v) In complaint 21.08.2012, he wrote "माननीय न्यायमूर्ति श्री. एस.सी. शर्मा ने मेरी पीटिशन को लिस्ट बिफोर एनादर बेंचे करके अपराधियों को संरक्षण प्रदान किया। इसके पश्चात् माननीय न्यायमूर्ति श्री पी.के. जैसवाल साहब ने भी मेरी पीटिशन को लिस्ट बिफोर एनादर बेंच करके अपराधियों को संरक्षण प्रदान किया और अब माननीय न्यायमूर्ति श्री एन.के. मोदी द्वारा रिसपोनडेण्टस के वकीलों की बातों से सहमत होकर मेरी सुनवाई नहीं की जा रही है। xxxx xxxx xxxx सुनवाई नहीं होने के लिए कोर्ट के कर्मचारियों में भय व्याप्त है क्योंकि माननीय न्यायमूर्ति श्री एन.के. मोदी ने मुझे सुने बगैर ऑफिस को सख्त आदेश दे दिया है जबकि यह सख्तता तो आपराधिक षडयंत्रकारियों के

विरुद्ध दिखानी चाहिए थी । xxxxx xxxxx xxxxx xxxxx xxxxx कानून के रक्षक ही लिस्ट बिफोर एनादर बेंच करने का ऑख मिचौली का खेल खेलकर कानून का पालन नही होने दे रहे हैं ? संवैधानिक संस्थाओं की स्वतंत्रता पर सत्ताधारी तानाशाही का कब्जा है।”

(vi) In complaint 24.08.2012, he wrote the same thing as in the complaint dated 21.08.2012.

(vii) In complaint 25.09.2012, he wrote “माननीय न्यायमूर्ति श्री एन.के. मोदी साहब ने दिनांक 28 अगस्त 2012 और 14 सितम्बर 2012 को मेरी पीटिशन और आवेदनों को सुने बगैर मनमाने आदेश विपक्षियों का बचाव करते हुए प्रकरण को तत्काल सुनकर डिसाइड करने के बजाय प्राकृतिक न्याय के सिद्धांतों का उल्लंघन करके मुझे डराते हुए मेरा माखौल उड़ाकर कथित आदेश पारित किए हैं जबकि मैंने दिनांक 28 अगस्त 2012 के आदेश के परिपालन में दिनांक 3 सितम्बर 2012 को जवाब प्रस्तुत कर दिया था, मेरे पूर्व के आवेदन भी पेंडिंग हैं। तत्काल वैधानिक कार्रवाई करे जिससे भारतीय संविधान का उल्लंघन करने वाले आपराधिक षड़यंत्र करने वालों को प्राप्त संरक्षण समाप्त हो और मेरे मौलिक अधिकारों सहित भारतीय संविधान की रक्षा हो।”

8. Examining the case in the light of the above excerpts, we have to find out whether such type of contemptuous averments made by the respondent would amount to the contempt of the court. In this context, particulars of the corresponding part of the complaint indicating disrespectful conduct of the respondent in making false, baseless and mischievous allegations against Hon’ble Judges of this Court may be tabulated in order to answer whether the provision of criminal contempt

as defined under Section 2(c) of the Contempt of Courts Act, 1971 is attracted or not.

Complaint dated	Case Nos.	Allegations made by the contemnor	Findings
25.07.2011	Concr. No.01 of 2013	The complaint dated 25.07.2011 alleges that the judgment that has been delivered by Hon'ble Shri Justice P.K. Jaiswal shows the presence of appellant Shri R.D. Musalkar, Registrar, Devi Ahilya Vishwavidyalaya, Indore in person, which shows that the Hon'ble Judge has obliged him by giving him importance, which is highly objectionable.	'attracted'
01.12.2011	Concr. No.02 of 2013	In his complaint dated 01.12.2011 the complainant has alleged that the Court enquired if he wants to become a lecturer. Your Hindi is not proper. He replied that he possesses the eligibility prescribed by the UGC. Thereupon, his Hindi was laughed out by certain advocates which was openly supported by the Hon'ble Judge because of which he apprehends that his life and liberty is in danger.	'not attracted'
10.12.2011	Concr. No.03 of 2013	In this complaint, a notice purported to be issued by contemnor u/s 80 of CPC wherein he demanded information regarding progress made in various complaints given by him within 7 days, he further stated that if the information which is sought is not supplied within the	'not attracted'

Complaint dated	Case Nos.	Allegations made by the contemnor	Findings
		said period then he will be compelled to file case in Court and all the expenses incurred and consequences followed thereafter shall be borne by those who are responsible.	
03.07.2012	Concr. No.04 of 2013	Contemnor has reproduced the same allegations made by him in complaint dated 01.12.2011	'not attracted'
21.08.2012	Concr. No.05 of 2013	Contemnor had made aspersions against Hon'ble Judges Shri S.C. Sharma, P.K. Jaiswal and N.K. Mody. He alleged that Hon'ble Judges have given protection to criminals by listing his petition before other Benches. It was further alleged that his matter was not heard by Justice Mody purposefully and also because of some arrangements with advocate of opposite party. Vindicators of Law are playing hide and seek by listing his petition before other Benches and they themselves are not letting to follow the rule of law. Independence of the Constitutional Bodies is captured by the ruling dictators.	'attracted'
24.08.2012	Concr. No.06 of 2013	Contemnor has reproduced the same allegations made by him in complaint dated 21.08.2012	'attracted'
25.09.2012	Concr. No.07 of 2013	Contemnor has alleged that Hon'ble Justice Shri N.K. Mody on 28.08.2012 and on 14.09.2012 passed arbitrary orders without	'attracted'

Complaint dated	Case Nos.	Allegations made by the contemnor	Findings
		hearing his petition and applications and thus favoured the opposite party. It was further alleged that he was threatened and jeered by Justice Mody. He further demanded legal action against so-called conspirators and protection of his rights.	

9. The language which is used in the aforesaid complaints/letters dated 25.07.2011, 21.08.2012, 24.08.2012 and 25.09.2012 clearly goes to show that the same amounts to scandalizing and lowering the authority of the court. The same attracts the provisions of Section 2(c) of the Contempt of Courts Act, 1971.

10. The Court is very much conscious about the fact that the contempt of court is special jurisdiction and should be exercised sparingly. However as per the settled legal position, such jurisdiction must be exercised in the circumstances, which tend to shake public confidence in the judicial system, and which tend to affect the majesty of law and dignity of courts.

11. It may further be mentioned that any act of the person which interferes or tends to interfere with the due course of any judicial proceedings or which obstructs or tends to obstruct the administration of justice would tantamount to “criminal contempt”, as per the definition contained in Section 2(c) of the Contempt of Courts Act, 1971. The said clause 2(c) is reproduced as under for ready reference:-

Section 2 (c):- “criminal contempt” means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or the doing of any other act whatsoever which-

- (i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or*
- (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceedings; or*
- (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;”*

12. Recently, the Hon’ble Supreme Court in the case of Prashant Bhushan and another, in Reference Suo Motu Contempt Petition (Cri.) No.1 of 2020 decided on 14th of August, 2020, reported in (2021) 1 SCC 745 has considered the definition of Section 2(c) of the Act of 1971 and has held as under:

“It could thus be seen, that it has been held by this Court, that hostile criticism of judges as judges or judiciary would amount to scandalizing the Court. It has been held, that any personal attack upon a judge in connection with the office he holds is dealt with under law of libel or slander. Yet defamatory publication concerning the judge as a judge brings the court or judges into contempt, a serious impediment to justice and an inroad on the majesty of justice. This Court further observed, that any caricature of a judge calculated to lower the dignity of the court would destroy, undermine or tend to undermine public confidence in the administration of justice or the majesty of justice. It has been held, that imputing partiality, corruption, bias, improper motives to a judge is scandalisation of the court and would be contempt of the court.”

13. A Constitution Bench of the Hon'ble Supreme Court in the case of Baradakanta Mishra vs High Court of Orissa (1974) 1 SCC 374 has held as under:

“49. Scandalisation of the Court is a species of contempt and may take several forms. A common form is the vilification of the Judge. When proceedings in contempt are taken for such vilification the question which the Court has to ask is whether the vilification is of the Judge as a judge. (See Queen v. Gray), [(1900) 2 QB 36, 40] or it is the vilification of the Judge as an individual. If the latter the Judge is left to his private remedies and the Court has no power to commit for contempt. If the former, the Court will proceed to exercise the jurisdiction with scrupulous care and in cases which are clear and beyond reasonable doubt. Secondly, the Court will have also to consider the degree of harm caused as affecting administration of justice and, if it is slight and beneath notice, Courts will not punish for contempt. This salutary practice is adopted by Section 13 of the Contempt of Courts Act, 1971. The jurisdiction is not intended to uphold the personal dignity of the Judges. That must rest on surer foundations. Judges rely on their conduct itself to be its own vindication.

50. But if the attack on the Judge functioning as a judge substantially affects administration of justice it becomes a public mischief punishable for contempt, and it matters not whether such an attack is based on what a judge is alleged to have done in the exercise of his administrative responsibilities. A judge's functions may be divisible, but his integrity and authority are not divisible in the context of administration of justice. An unwarranted attack on him for corrupt administration is as potent in doing public harm as an attack on his adjudicatory function.”

14. The respondent-accused has filed the two IAs in Concr. No.01 of 2013 being I.A. No.10095 of 2013 - an application under Sections 2(c), 12 and 14 of the Contempt of Courts Act, 1971 r/w Article 215 of the Constitution of India and Sections 35 to 35B & 151 of CPC and I.A. No.1478 of 2014 - an application under Section 319 of CrPC for impleading Hon'ble Judges as party to these criminal contempts and one IA being No.10060 of 2023 in Concr No.7 of 2013 which is an application under Section 2(b), 12, 14, 16 and 17 of the Contempt of Courts Act and Sections 34, 52, 107, 120B, 175, 176, 182, 193, 202, 204, 209, 219, 420, 465, 466, 468, 477A, 500 of IPC and Articles 21 & 14 of the Constitution along with Section 39 of CrPC and oblige with compensation of Rs.50 Lakhs and has pressed these IAs for consideration. Filing of applications for making Hon'ble Judges a party to these criminal contempt proceedings and further claiming compensation itself goes to show the mindset of the respondent-accused and the manner in which he is conducting the proceedings. He being an advocate and officer of the court should be aware of the language to be used in applications/complaints and how to appear and argue before the Court.

15. Since these are the criminal contempt proceedings against the respondent-contemnor, he has to justify his act and cannot pray for adding Hon'ble Judge as party to the criminal contempt proceedings. After hearing the arguments and on going through the contents of the applications, this Court does not find it feasible to entertain these applications. The applications (I.A. No.10095 of 2013 and I.A. No.1478 of 2014) are hereby rejected. So far as application for

compensation is concerned, until and unless these contempt proceedings are dropped in all cases against the respondent-contemnor, there is no question of claiming compensation, therefore, consideration of application will be a futile exercise. Accordingly, I.A. No.10060 of 2023 is also dismissed.

16. When the matter was taken up for final consideration, the respondent-accused is not sorry for his deeds, rather in an aggressive manner, he submits that he has already filed reply and applications that may be considered. He does not want to argue anymore. No unconditional apology is tendered by him and no prayer is made by him to drop the proceedings. Therefore, this Court is left with no other option but to decide these cases on merits.

17. Being an advocate, the respondent is not merely an agent or servant of his client but he is also an officer of the court. He owes a duty towards the court. There can be nothing more serious than an act of an advocate if it tends to impede, obstruct or prevent the administration of law or it destroys the confidence of the people in such administration. In *M.B. Sanghi, Advocate vs High Court of Punjab & Haryana* (1991) 3 SCC 600 while deciding a criminal appeal filed by an advocate against an order of the High Court, the Court said:

“The tendency of maligning the reputation of judicial officers by disgruntled elements who fail to secure the desired order is ever on the increase and it is high time it is nipped in the bud. And, when a member of the profession resorts to such cheap gimmicks with a view to browbeating the Judge into submission, it is all the more painful. When there is a deliberate attempt to scandalise which would

shake the confidence of the litigating public in the system, the damage caused is not only to the reputation of the Judge concerned but also to the fair name of the judiciary. Veiled threats, abrasive behaviour, use of disrespectful language and at times blatant condemnatory attacks like the present one are often designedly employed with a view to taming a Judge into submission to secure a desired order. Such cases raise larger issues touching the independence of not only the Judge concerned but the entire institution. The foundation of our system which is based on the independence and impartiality of those who man it will be shaken if disparaging and derogatory remarks are made against the presiding judicial officers with impunity. It is high time that we realise that the much cherished judicial independence has to be protected not only from the executive or the legislature but also from those who are an integral part of the system. An independent judiciary is of vital importance to any free society. Judicial independence was not achieved overnight. Since we have inherited this concept from the British, it would not be out of place to mention the struggle strong-willed Judges like Sir Edward Coke, Chief Justice of the Common Pleas, and many others had to put up with the Crown as well as Parliament at considerable personal risk. And when a member of the profession like the appellant who should know better so lightly trifles with the much-endearred concept of judicial independence to secure small gains it only betrays a lack of respect for the martyrs of judicial independence and for the institution itself. Their sacrifice would go waste if we are not jealous to protect the fair name of the judiciary from unwarranted attacks on its independence.”

18. From the aforesaid judgments of the Hon’ble Supreme Court and the definition provided under Section 2(c) of the Act of 1971, it is

apparently clear that even an attempt to scandalize or lower the authority of a Court would fall under the definition of ‘criminal contempt’.

19. Under these circumstances and looking to the well-settled position of law in the aforesaid cases, we hold that the respondent has committed contempt of court by filing false complaints/letters containing contemptuous averments and reckless allegations against the Hon’ble Judges. Therefore, he is held guilty of “criminal contempt” as defined under Section 2(c) of the Contempt of Courts Act, 1971 with regard to the complaints dated 25.07.2011, 21.08.2012, 24.08.2012 and 25.09.2012 in Concr. No.1 of 2013, Concr. No.5 of 2013, Concr. No.6 of 2013 and Concr. No.7 of 2013 respectively. However, the contempt proceedings initiated against the respondent qua complaints dated 01.12.2011, 10.12.2011 and 03.07.2012 in Concr. No.2 of 2013, Concr. No.3 of 2013 and Concr. No.4 of 2013 respectively are dropped.

20. Heard on the question of punishment.

21. The respondent party-in-person has submitted that whatever is pleaded by him in his reply/applications, the same may be considered. As he has already been held guilty of “criminal contempt” as defined under Section 2(c) of the Contempt of Courts Act, 1971, the language which is used by respondent in his applications/complaints and the allegations levelled against the Hon’ble Judges repeatedly despite various warnings having been given to him coupled with the fact that he has not even bothered to tender his unconditional apology before this Court even at this stage, therefore, this Court while exercising powers under Article 215 of the Constitution deems it appropriate to

impose punishment upon him. In this regard, reference can be had of the decision of the Hon'ble Supreme Court in the case of Vijay Kurle, In re, (2021)13 SCC 616 wherein it is held :

“11. Samaraditya Pal in The Law of Contempt [Pp. 9-10, The Law of Contempt : Contempt of Courts and Legislatures, 5th Edn., LexisNexis Butterworths Wadhwa, Nagpur (2013)] has very succinctly stated the legal position as follows:

“Although the law of contempt is largely governed by the 1971 Act, it is now settled law in India that the High Courts and the Supreme Court derive their jurisdiction and power from Articles 215 and 129 of the Constitution. This situation results in giving scope for “judicial self-dealing”.”

12. The High Courts also enjoy similar powers like the Supreme Court under Article 215 of the Constitution. The main argument of the alleged contemnors is that notice should have been issued in terms of the provisions of the Contempt of Courts Act and any violation of the Contempt of Courts Act would vitiate the entire proceedings. We do not accept this argument. In view of the fact that the power to punish for contempt of itself is a constitutional power vested in this Court, such power cannot be abridged or taken away even by legislative enactment.”

22. In Re : Perry Kansagra (2022 SCC OnLine SC 1516), the Hon'ble Supreme Court held as under :-

“24. It is now well settled that the power of the Supreme Court to punish for contempt is not confined to the procedure under the Contempt of Courts Act. In Pallav Sheth vs Custodian (2001) 7 SCC 549, this Court held that:—

“30. There can be no doubt that both this Court and High Courts are courts of record and the Constitution has given them the powers to punish for contempt. The decisions of this Court clearly show that this power cannot be abrogated or stultified. But if the power under Article 129 and Article 215 is absolute, can there by any legislation indicating the manner and to the extent that the power can be exercised? If

there is any provision of the law which stultifies or abrogates the power under Article 129 and/or Article 215, there can be little doubt that such law would not be regarded as having been validly enacted. It, however, appears to us that providing for the quantum of punishment or what may or may not be regarded as acts of contempt or even providing for a period of limitation for initiating proceedings for contempt cannot be taken to be a provision which abrogates or stultifies the contempt jurisdiction under Article 129 or Article 215 of the Constitution.”

25. *The above said principle is followed in Re : Vijay Kurlle (supra), where this Court reiterated the above referred principle and held as under:—*

“38. The aforesaid finding clearly indicates that the Court held that any law which stultifies or abrogates the power of the Supreme Court under Article 129 of the Constitution or of the High Courts under Article 215 of the Constitution, could not be said to be validly enacted. It however, went on to hold that providing the quantum of punishment or a period of limitation would not mean that the powers of the Court under Article 129 have been stultified or abrogated. We are not going into the correctness or otherwise of this judgment but it is clear that this judgment only dealt with the issue whether the Parliament could fix a period of limitation to initiate the proceedings under the Act. Without commenting one way or the other on Pallav Seth's case (supra) it is clear that the same has not dealt with the powers of this Court to issue suo motu notice of contempt.

39. In view of the above discussion we are clearly of the view that the powers of the Supreme Court to initiate contempt are not in any manner limited by the provisions of the Act. This Court is vested with the constitutional powers to deal with the contempt. Section 15 is not the source of the power to issue notice for contempt. It only provides the procedure in which such contempt is to be initiated and this procedure provides that there are three ways of initiating a contempt - (i) suo motu (ii) on the motion by the Advocate General/Attorney General/Solicitor General and (iii) on the

basis of a petition filed by any other person with the consent in writing of the Advocate General/Attorney General/Solicitor General. As far as suo motu petitions are concerned, there is no requirement for taking consent of anybody because the Court is exercising its inherent powers to issue notice for contempt. This is not only clear from the provisions of the Act but also clear from the Rules laid down by this Court.”

23. For all the aforesaid reasons and considering the law laid down by the Hon’ble Supreme Court in the aforesaid cases, we are of the opinion that imposing fine on the respondent-contemnor instead of sending him to jail would be the just and appropriate punishment. Hence, we pass the following order :

(i) The respondent-contemnor is held guilty of having committed a criminal contempt as defined under Section 2(c) of the Contempt of Courts Act, 1971 with respect to four complaints dated 25.07.2011, 21.08.2012, 24.08.2012 and 25.09.2012 in Concr. No.1 of 2013, Concr. No.5 of 2013, Concr. No.6 of 2013 and Concr. No.7 of 2013 respectively.

(ii) The respondent-contemnor is directed to deposit the fine of Rs.4,00,000/- (Rs.1,00,000/- each on complaints dated 25.07.2011, 21.08.2012, 24.08.2012 and 25.09.2012) with the M.P. High Court Bar Association (SB A/c No.519302010000549, IFS CODE: UBIN0551937, Union Bank of India, State Bar Council High Court Branch, Jabalpur) within a period of one month from the date of the pronouncement of this order.

(iii) In case of failure to deposit the fine amount, the respondent-contemnor shall suffer imprisonment for a period of one month each against aforesaid complaints.

(iv) However, with respect to complaints dated 01.12.2011, 10.12.2011 and 03.07.2012 in Concr. No.2 of 2013, Concr. No.3 of 2013 and Concr. No.4 of 2013 respectively, the respondent-contemnor is not held guilty of having committed a criminal contempt as defined under Section 2(c) of the Contempt of Courts Act, 1971. The contempt proceedings initiated thereagainst are dropped.

24. These contempt petitions are disposed off finally in above terms.

(RAVI MALIMATH)
CHIEF JUSTICE

(VISHAL MISHRA)
JUDGE

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