



2026:AHC:108300-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CONTEMPT APPLICATION (CRIMINAL) No. - 2 of 2026

Arun Mishra

.....Applicant(s)

Versus

X

.....Opposite
Party(s)

Counsel for Applicant(s)	:	In Person
Counsel for Opposite Party(s)	:	

Court No. - 43

**HON'BLE SALIL KUMAR RAI, J.
HON'BLE DEVENDRA SINGH-I, J.**

The present contempt application has been filed pleading that proceedings for Criminal Contempt be instituted and registered against an Hon'ble Judge of this Court. The allegations in the present petition is that due to certain prior events mentioned in the writ petition, the applicant, who is a practicing Advocate of this Court, requested the concerned Judge to release a particular case because he did not have confidence on the Judge, but the concerned Judge humiliated the counsel and subsequently dismissed the writ petition and also referred the matter of the applicant to the Bar Council recommending that his name should be struck off from the roll of the Bar Council. The affidavit filed in support of the petition does not give the words and the statements allegedly used by the concerned Judge. The order was passed by the concerned Judge on 26th November, 2025.

We have perused the order dated 26th November, 2025 and noticed that the Court had taken offense to the prayer of the applicant, who was the counsel for the petitioner in the concerned writ petition, that the matter be released from that particular Court because the counsel did not have any confidence on the concerned Judge. The order records that the Court asked the counsel to argue the case, but the counsel was adamant not to proceed with the argument and insisted that the Court release the matter. The Court, after taking notice of the conduct of the counsel as noted in the order dated 26th November, 2025, observed that

the matter was liable to be referred to the Bar Council. In its order dated 26th November, 2025, the Court has deprecated the conduct of the counsel and also directed the Registrar General to follow the appropriate procedure for removal of the name of counsel from the roll of the High Court and also referred the matter to the Bar Council to ensure appropriate action against the counsel. During the arguments, the applicant claimed that the Court had humiliated him and made remarks which would amount to contempt of court. As noted earlier, the details of the remarks have not been given in the affidavit. The proceedings of a Court as noted in the order sheet of the Court are final and are not subject to affidavit evidence. The order dated 26.11.2025 does not contain any statement as claimed by the applicant. Assuming that there may have been some heated exchanges between the concerned Court and the counsel, the same would not amount to criminal contempt as defined under Section 2(c) of the Contempt of Courts Act, 1971. Heated exchanges between the counsel and the Court do not amount to contempt of court. Such heated exchanges do not amount to either scandalizing the Court or lowering the authority of any court and also do not prejudice or interfere or obstruct the administration of justice. Similarly, a wrong order passed by a Court does not subject it to the contempt proceedings but can be challenged by the party before the Court having the power to entertain any challenge against the order.

The order dated 26th November, 2025 notes that the present applicant had continued to insist that the matter should be released from the Court and had refused to argue the case despite the Court repeatedly asking the counsel to argue the case. The other recommendations regarding penal actions against the counsel cannot be made subject of contempt proceedings and the applicant / counsel in the case has his remedies elsewhere which he can exercise. Even otherwise, in contempt proceedings, the Court does not adjudicate on the validity of an order passed by the other Court.

The present contempt application is not maintainable and is *dismissed*.

After the judgment was dictated in open Court, the applicant sought certificate under Article 134 (A) read with Article 133 of the Constitution

of India for leave to appeal to the Supreme Court. We do not find that any substantial question of law of general importance or regarding interpretation of Constitution is involved in the matter and in our considered opinion, the issue involved in the case is not required to be decided by the Supreme Court. The prayer of the applicant for leave to appeal is dismissed and the certificate is denied.

(Devendra Singh-I,J.) (Salil Kumar Rai,J.)

May 11, 2026

Vipasha