

In Re: K.K. Mishra

Court: Allahabad High Court

Date of Decision: Dec. 8, 2015

Acts Referred: Civil Procedure Code, 1908 (CPC) - Section 24

Constitution of India, 1950 - Article 226, 227, 235

Contempt of Courts Act, 1971 - Section 10, 12, 13, 15, 19

Criminal Procedure Code, 1973 (CrPC) - Section 407

Penal Code, 1860 (IPC) - Section 219, 228, 307, 499

Citation: (2016) 1 ACR 480 : (2016) 1 ADJ 503 : (2016) 92 ALLCC 637

Hon'ble Judges: Sudhir Agarwal and S.B. Singh, JJ.

Bench: Division Bench

Advocate: Sudhir Mehrotra, for the Appellant; R.L. Shukla, D.R. Chaudhary, Kamlesh Tiwari and R.K. Ojha, for the Respondent

Judgement

Sudhir Agarwal, J.

This criminal contempt application has been registered on reference dated 21.7.2011 of Sri Deepak Yadav, Civil

Judge (Junior Division), (Purvi), Allahabad (hereinafter referred to as "Reference Officer") stating that on 20th July, 2011 at about 2.15 P.M.

Suits" Clerk, Sri Rajmani Pandey put up record of Original Suit No. 1818 of 2003 (Siddh Nath Versus Shanti Devi) along with application C-93.

Written argument and a number of case laws were annexed with application C-93 which related to disposal of application 6-C, which had already

been disposed of by Court concerned on 20.12.2010 pursuant to High Court's order dated 12.11.2010. Consequently, Reference Officer

disposed of application C-93 in accordance with Rule 28 of General Rules (Civil) and ordered return of aforesaid written argument and case laws

annexed to the said application. Contemnor thereupon hurled abuses by making allegations of bribery and corruption against Reference Officer and

alleged that written argument and case laws annexed to application C-93 have been ordered for return so that evidence of corruption against him

may not come on record. Contemnor also threatened Reference Officer of dire consequences when he would come out of Court after Court

hours. Actual allegations made in reference by the Reference Officer as contained in paras 3-4 read as under:

3. That after the said order having been read by the learned counsel, a loud noise was made by him, several allegations were levelled against the

Court with the use of expletives and it was stated by him that he (Reference Officer) does not want his dishonesty to come on record; you are

dishonest; bribe-taker and broker. You use to work by taking moneys. Come outside and I will see you. I haven't yet seen such a corrupt Court.

What the hell are you looking on? Put the number on the paper and place it on the file; then I'll see you).

4. That the learned counsel continued to shout despite intense intervention. At that time, hearing of new cases were in progress which could not be

done on account of this episode and commotion. The Court proceedings came to be severely interrupted. This act of learned counsel falls within

the purview of Contempt of Court.

(English Translation By the Court)

2. This Reference has been forwarded by District Judge, Allahabad vide endorsement dated 21.7.2011. The matter was examined on

administrative side and Hon"ble The Chief Justice took a view vide order dated 23.8.2011 that proceedings for criminal contempt be initiated

against Contemnor in accordance with Contempt of Courts Act, 1971 (hereinafter referred to as "Act 1971"), hence it was placed before the

Court having determination of criminal contempt.

3. On 15.9.2011 this Court issued notice to Contemnor to appear in person on 17.11.2011 and show cause why contempt proceedings be not

initiated against him.

4. Contemnor put in appearance on 17.11.2011 and sought time to show cause which was allowed granting three weeks" time. Thereafter on

15.12.2011 when Contemnor did not appear, this Court issued bailable warrant against him. The Contemnor then filed an application, requesting

to hold inquiry by CBI. This matter was examined by Court on 26.7.2012. Court found that Contemnor has made reckless allegations and

accusations against different judicial officers and it proposed to rely on allegations as the Contemnor has further committed act of contempt. Order

dated 26.7.2012 is reproduced as under:

The contemner is present in the Court personally and has filed an affidavit making reckless allegations and accusation against different judicial

officers. We have taken cognizance of those allegations also and we propose to treat it to be an evidence of further acts of contempt. We have

informed the contemner about our intent of using the statements made by him on oath.

Sri Sudhir Mehrotra, the learned AGA does not have any desire to reply to those allegations, except that he has pointed out to us that those

allegations are out of the context of reference made by the officer concerned through the District Judge, Allahabad.

We have asked the contemner to file his reply to the allegations of committing acts of contempt made by a judge subordinate to the Court, namely,

Sri Deepak Yadav, Civil Judge (J.D.), Purvi, Allahabad which has been forwarded by the learned District Judge, Allahabad for contempt action,

upon which this proceeding has been initiated. If the contemner is desirous of filing a reply, he may file the same today by 4.00 p.m., else the Court

shall assume that the contemner has nothing to say.

Let this proceeding be listed in the next cause list.

(emphasis added)

5. Since Contemnor again failed to appear before Court, non-bailable warrant was issued on 31.10.2012. Thereafter when Contemnor appeared

in person, execution of warrant was deferred on 11.12.2012 and following order was passed:

The contemnor is physically present in the Court and has filed an affidavit on account of the effect of our order dated 31.10.2012. We want to

have a resume of the previous developments in the case and particularly one which is dated 26.07.2012. On that date the contemnor was present

and had filed affidavit making reckless allegations and accusations against different judicial officers. We had taken cognizance of those allegations

also and had proposed to treat the affidavit as an evidence of further acts of contempt. We had informed the contemnor about our intent of using

the statement made by him on oath. We had, therefore, asked him to reply to the allegations of committing acts of contempt as per the report of Sri

Deepak Yadav, Civil Judge (Junior Division), Purvi, Allahabad which was forwarded by the learned District Judge, Allahabad and we had desired

him to file reply by 4.00 p.m. on that particular date.

Our order appears treated worthless, meaningless and without any force to the contemnor. We as such direct the listing of the case on

17.12.2012. On that date we shall require the counsel to argue the matter fully and finally. We request Sri Sudhir Mehrotra, who was earlier

assisting us in this case to act as Amicus Curiae and assist us, so that we finally dispose of this proceeding.

Solemnity which is attached to the profession of an advocate sometimes appears misused as a weapon to abuse the system and this is one of the

cases illustrating that misuse of being an Advocate. As such we do not want to delay the proceeding further. This case shall be heard as first case

on 17.12.2012. The warrant of arrest issued against the contemnor is directed not to be executed and in case it has not been issued then the same

shall not be issued. However, we require the contemnor to remain physically present on the next date.

(emphasis added)

6. On 17th January, 2013, Contemnor appeared before Court and filed affidavit sworn by one Sri Kesari Nath Tripathi, Advocate, which was

rejected with the observation that he has nothing to do with contempt. Thereafter this Court framed charge against Contemnor to the following

effect:

That you, Sri K.K. Mishra @ Balram Advocate on 20th July, 2011 after notices appeared before Sri Deepak Yadav, Civil Judge (Jr. Divn.)

Purvi, Allahabad and pressed for accepting on records application No. 6 Ga and 93 Ga which were rejected after which you created

pandemonius situation in the Court room by hurling abuses at the Presiding Officer by uttering the following words:--

TUM NAHI CHAHE KI TUMHARI BEIMANI FILE PAR AYE, TUM BEIMAN HO, GHOOSKHOR HO, DALAL HO. PAISA LE-

LEKAR KAM KARTE HO. BAHAR NIKALO MAI TUMHE DEKH LUNGA. AAJ TAK AISI BHRASHT ADALAT NAHI DEKHI. TU

DEKH KYA RAHA HAI, KAGAJ PAR NUMBER DAAL AUR FILE PAR RAKH DE PHIR MAI TUMHE DEKHTA HU?.

The Presiding Judge attempted to control your behaviour but you continued shouting at as a result of which the proceedings of the Court was

stalled and disturbed and no judicial work could be transacted on account of your above conduct, behaviour, actions and utterances. Your above

acts, conduct, behaviour and utterances, were enquired into by the learned District and Sessions Judge and the same were reported by his letter

No. 1295/XV dated 11th August, 2011 which were clear acts of contempt and the Court proposes to try you for the same.

7. The Court also observed, when charge was explained to Contemnor in Hindi he started shouting at the Court, denied charge and claimed to be

tried.

8. On 29.1.2013 when matter came up before the Court, Hon"ble Dharnidhar Jha, J. presiding the Bench recused himself observing that he is not

interested in hearing this matter. Hon"ble Senior Judge then directed criminal contempt application to be listed before appropriate Bench.

9. Thereafter from affidavit filed by Contemnor, this Court found that accusation, etc. made by Contemnor against various judicial officers

constitute further act of criminal contempt. Consequently, further charge was framed against Contemnor on 6.5.2015 to the following effect:

That you Krishna Kumar Mishra alias Balram in present contempt application (criminal) filed an application dated 26.07.2012 supported by an

affidavit sworn on 26.07.2012, contents are sworn on personal knowledge and in paragraph Nos. 2, 3, 4, 5, 6, 7, 8, 9 10, of the said

affidavit you have levelled uncalled for aspirations against certain judicial officers without any evidence, act aforesaid amongst to scandalizing the

Court, under mining the authority of the Court, thus you have committed criminal contempt defined under section 2(c) of contempt of Courts Act

of 1971 punished under section 12 of the Contempt of Court Act contemptuous averments contained in the affidavit are quoted herein below:

10. Court vide order dated 6.5.2015 permitted Contemnor to file reply to the charges and also restrained him from entering premises of Judgeship

Allahabad during pendency of criminal contempt. We are informed by Sri Sudhir Mehrotra, Amicus Curiae as also by learned counsel appearing

for Contemnor that against order dated 6.5.2015, Contemnor preferred Special Leave to Appeal (Criminal) No. 5659 of 2015 before Supreme

Court which was dismissed on 24.7.2015.

11. Contemnor filed reply to the charges on 11.8.2015 and also stated that he wanted to adduce some documentary evidence.

12. He then filed affidavit sworn on 18th August, 2015 annexing affidavits of Sri Suresh Chandra Dwivedi, Advocate, Sri Mustaqeem Ahmad

Hashmi, Advocate and Sri Bhola Prasad Yadava Advocate.

13. Sri Sudhir Mehrotra, Advocate nominated by Court for assistance in the criminal contempt argued to support Reference while Sri R.K. Ojha,

learned Senior Advocate appeared for Contemnor and advanced his submissions.

14. Now, before proceeding further, we may place on record, stand taken by Contemnor in various affidavits filed in this matter.

15. First affidavit of Contemnor is sworn on 22nd January, 2013. It is said that Sri Kailash Nath Tripathi and Sri Ram Murti, Advocates were

present in the Court of Reference Officer on 20.7.2011. It was prayed that aforesaid advocates be summoned and their statements be recorded

by Court. In para 7, Contemnor further stated that he is a man of casteism. Para 7 of affidavit dated 22.1.2013 reads as under:

7. That applicant is man of casteism. A true copy of plaint, order and Vakalatnama of Santosh Kumar Yadav is annexed as Annexure No. 4, 5

and 6 with this affidavit.

16. Affidavit sworn on 16.1.2013 was filed, stating that in Original Suit No. 1818 of 2003 (Sidh Nath Versus Smt. Shanti Devi), which was a suit

regarding plot No. 2162, he filed written argument with Court fees and case laws on behalf of defendant on 21.12.2010 after giving copy to

plaintiff's counsel. However, while passing order dated 22.12.2010, Reference Officer disobeyed this Court's order. Contemnor made complaint

against Reference Officer to District Judge, Allahabad, Chief Justice, High Court, Allahabad, Chief Justice of India and President of India on

10.3.2011, 22.3.2011 and on other several dates. On 5.7.2011 written argument along with case laws filed by Contemnor was thrown out by

Reference Officer from record of Original Suit No. 1818 of 2003, due to prejudice mind, enmity and with mala fide intention, Reference Officer

gave false and fabricated report on 21.7.2011. Contemnor has not done anything on 20.7.2011 as alleged in report dated 21.7.2011. The report

is totally false. Contemnor has appeared in various Courts as also High Court and performed duty honestly with due regard and respect to Court.

There is manipulation and interpolation in the appointment of Sri Deepak Yadav, Presiding Officer of Court below and he is man of casteism.

Contemnor is innocent and falsely implicated due to mala fide intention and enmity. He prayed that proceedings should be quashed/set aside.

17. The next detailed affidavit filed by Contemnor is one sworn on 18th February 2012. It is said that report submitted by Reference Officer is

false, fabricated, manipulated and interpolated. It is ante-timed and ante-dated. It is afterthought with collusion of anti-social and turbulent person

of society. Report is only table work. No such occurrence took place on that day as stated in the report. Contemnor prayed for recall of order

dated 15.9.2011, stating that said order issuing notice was passed without any opportunity to Contemnor. The order dated 15.9.2011 passed by

this Court is against canons of law and surmises and conjectures in nature and due to prejudice of mind. He further said that he was enrolled in

Uttar Pradesh Bar Council vide Enrollment No. 4821 of 1984 dated 10.12.1984 and since then practising in High Court at Allahabad. He is a

member of Bar Association, High Court, Allahabad. He has appeared at Allahabad, Lucknow as also at Jharkhand High Court. In Original Suit

No. 1818 of 2003, Reference Court passed interim order dated 22.12.2010 in respect of plot No. 2162, directing parties to maintain status quo

and this order was in violation of a judgement in rem passed by Hon"ble F.I. Rebello, Chief Justice of Allahabad High Court that railway property

should be protected. On 21.12.2010, Contemnor filed written argument with Court fees and case laws after serving copy upon plaintiff's counsel.

Reference Officer on 5.7.2011 thrown out written argument along with case laws due to similar reason. It amounts to contempt committed by Sri

Deepak Yadav, the Reference Officer. He (Reference Officer) did not cite any case law in order dated 22.12.2010 nor referred to any argument

taken in written argument, in the said order. Under Order XVII Rule 3(A) C.P.C. as amended in 2002, any party may file written argument which

shall form part of record. Sri Deepak Yadav, Presiding Officer of the Court is man of casteism and passed interim orders where Advocates or

parties are Yadav, like Original Suit No. 486 of 2010, O.S. No. 1145 of 2009 and O.S. 268 of 2010. Integrity of Sri Deepak Yadav is

absolutely doubtful. There is manipulation and interpolation in the appointment of Sri Deepak Yadav and his appointment is nullity and void. It

requires CBI inquiry. Sri Deepak Yadav abused and threatened Contemnor which he complained to various higher authorities. Many times, Sri

Deepak Yadav asked Contemnor to withdraw his complaint to which he denied. Due to this prejudiced mind, enmity and mala fide intention, Sri

Deepak Yadav submitted false and fabricated report, ante-dated, in collusion with other antisocial persons. Thereafter in paras 23 to 27, the

Contemnor made allegations against some other judges of subordinate Courts stating as under:

23. That Judge Sri Faridul Haque and Sri Pradeep Kumar Srivastava are already summoned before this Hon"ble High Court and both the

persons tender apology on the complaint of the objector.

24. That Sri Pratuesh Kumar, A.D.J. due to some reason which is well known, granted bail of son of Sabha Raj Singh, P.S. Kant, Allahabad

under Section 307 I.P.C. in heinous crime and in case of Salim alias Karia passed an illegal order due to some reason which is set aside by this

Hon"ble High Court. Thirdly disobey the judgement in rem passed by Hon"ble High Court in Trust property due to some reason in case of

Lakshhami Kant and his relation to unchest women, all matter is required to hold enquiry of property and activities of the aforesaid person by

C.B.I.

25. That Sri Janardan Singh, A.D.J. in S.T. No. 338 of 2006, sale the eight dead body in rupees crores, it require to enquire the matter property

and activities by C.B.I. The complaint is already made by the objector which is still pending.

26. That the Judge, Small Causes Court, Civil Court, Allahabad Sri Rajeev Agrawal is due to some reason passed an order in mostly cases, the

matter is required to be hold enquiry by C.B.I. In many enquiry he is found guilty person but due to approach could not be done.

27. That Sri Rajeev Lochan Mehrotra, A.D.J. also due to some reason sale the dead body in S.T. No. 178 of 2009, S.T. No. 179 of 2009 and

S.T. No. 180 of 2009 in case of P.S. Jhunsi, Allahabad. The matter requires to hold the enquiry by C.B.I.

27/1. That Sri B.K. Gupta due to some reason passed an order in case of Abdul Sattar disobeying the order of Hon"ble Apex Court (Hon"ble

Supreme Court) and in Original Suit No. 14 of 2009 in which objector filed F.A.F.O. No. 2923 of 2010 which was allowed by Hon"ble High

Court on 11.2.2011 and objector filed complaint against him, result is suspension.

18. Copy of order dated 22.12.2010 passed in Original Suit No. 1818 of 2003 has been filed as Annexure-23 to the said affidavit.

19. Since serious allegations were made by Contemnor against Reference Officer in the aforesaid affidavit, he (Reference Officer) was directed to

file counter affidavit. Reference Officer consequently filed counter affidavit sworn on 21st March, 2012. It is said that Contemnor is in the habit of

creating obstruction in administration of justice. Earlier also, he was tried in Criminal Contempt Application No. 25 of 1999, by a Larger Bench of

this Court, along with some other advocates of District Judgeship, Allahabad. Court restrained all contemnors including present Contemnor from

entering premises of Court by order dated 7.5.1999. Aforesaid contempt matter came to be finally decided vide order dated 17th January, 2003,

reported in 2003 (46) ACC 546 and operative part of the judgement contained in paras 11, 12 and 13 read as under:

11. HOWEVER, taking into consideration the fact that the lawyers contemnors were restrained by order of this Court on 7-5-1999 from entering

into the Court compound itself, with the result they could not practise in the Court which itself amounted to a punishment and further the fact that

they had submitted unqualified apologies by filing affidavits and also they have tendered apologies today again before us, we, in the facts and

special circumstances of the matter, discharge the notices against them. Their conduct shall, however, be under the supervision of the District

Judge, Allahabad for a period of two years and if they do any act against the dignity of the Court then necessary action shall be taken against them.

12. WITH the above observations we discharge the notices issued to the contemnors but with severe warning that no behaviour of this kind will be

tolerated in future from any lawyer in the State of U.P.

13. LET a copy of this order be sent by the Registrar General of this Court to all the District Judges in the State as well as the President and

Secretaries of all the District Bar Associations forthwith. Order accordingly.

(emphasis added)

20. It is further said in the affidavit dated 21.3.2012 by Reference Officer that the fact that Contemnor was earlier reprimanded by this Court has

not been disclosed. Reference Officer denied allegations of fabrication, manipulation and interpolation. The entire episode of 20th July, 2011 has

been narrated in order sheet of Original Suit No. 1818 of 2003. Under Rules, framed for governing procedure of contempt matters as contained in

Chapter XXXV (E) of High Court Rules, 1952, there is no provision contemplating opportunity or notice to Contemnor before framing charge.

Reference Court passed order of injunction on 22.12.2010 in O.S. No. 1818 of 2003 on the basis of pleadings and evidence available on record.

Written argument was never brought on record, hence question of its throwing from record of O.S. No. 1818 of 2003 does not arise. The order

was passed after hearing oral arguments of counsels of both the parties. No permission was sought by any of counsels or Contemnor to file written

arguments. The arguments were heard on injunction application on 21.12.2010 and order was passed on 22.12.2010. Allegations levelled against

Reference Officer regarding casteism, integrity, etc. amounts to further criminal contempt committed by Contemnor. Appointment of Reference

Officer is in accordance with law and allegation that the matter in which parties were Yadav, orders in their favour were passed, is incorrect. In

Original Suit No. 268 of 2010 (Amool and others Versus Pancham Lal and others) in description of parties, apparently no party is Yadav by caste

and no injunction order has been passed by Reference Officer in the said case. Reference Officer never asked the Contemnor to withdraw his

alleged complaint since he was not aware at all, of such complaint, and the allegations otherwise levelled against Reference Officer are false.

21. Contemnor filed Misc. Application of 2012 dated 26.7.2012, making his allegations against Reference Officer as well as other judicial officers

of Allahabad District Judgeship and prayed that Court should register his complaint and direct for CBI inquiry in the matter. He has also filed

rejoinder affidavit sworn on 3rd August, 2012 wherein again he reiterated allegations against Reference Officer as also other officers of District

Judgeship, Allahabad.

22. Contemnor filed supplementary affidavit sworn on 14th May, 2014 wherein he has given reference of some orders of various Courts showing

that he has been regularly appearing in this Court. Averments contained in paras 2 to 17 relate to various cases in which he claims to have

appeared in this Court. Thereafter he has made scandalizing comments and assailed report dated 21.7.2011 submitted by Reference Officer and

said that the same is in collusion with Sri Pratyush Kumar, the then Incharge District Judge (now a Judge of this Court). Contents of paras 20, 22

and 26 cast serious aspersions against another judicial officer, read as under:

20. That the Hon"ble President of India has found prima facie case against Presiding Officer and hold enquiry by their orders dated 19.2.2011

and 11.4.2011 against the Presiding Officer on the complaint of O.P. which is still pending thereafter, after 7 months with the collusion and

malafide intention Presiding Officer and Pratush Kumar with the collusion of each other of other persons Presiding Officer given false and

manipulated and interpolated alleged report due to some reason which is apparent on the face of on record. It shows that alleged report given in

paras 3 and 4 become falsify hence Presiding Officer Deepak Yadav and Pratush Kumar should be punished under Section 219 I.P.C.

22. That Pratush Kumar has illegal relation with the lady Poonam such type of man who giving false report against the O.P. absolute integrity of

both the person is doubtful.

26. That Pratush Kumar threaten to Poonam in her enquiry under him and made illegal relation with lady Poonam in fear to her and given false

report in her enquiry. He has committed crime.

(emphasis added)

23. Reference Officer has filed a supplementary counter affidavit sworn on 11th December, 2014, pointing out that Contemnor filed Writ Petition

No. 32572 of 2013 (Krishna Kumar alias Balram, Advocate Versus State of U.P. and others) seeking mandamus that inquiry by independent

agency/CBI should be directed against respondents No. 4 to 9 who are judicial officers posted at Civil Court at Allahabad. This Court dismissed

above writ petition with cost of Rs. 10,000/- vide judgement dated 31st May, 2013. Relevant paras 4 to 7 of aforesaid judgement read as under:

4. The respondent Nos. 4 to 9 are judicial officers posted in the Civil Court at Allahabad. We find that reckless and wild allegations have been

made by the petitioner against the judicial Officers alleging corruption and irregularities committed in deciding cases.

5. The petitioner is a convicted contemnor, and is also facing a charge of criminal contempt. A complaint made by him for an enquiry by an

independent agency/CBI can not be ordinarily entertained in writ petition under Article 226 of the Constitution of India. The petitioner has not

approached the administrative side of the High Court, with proof of allegations against the judicial officers. The alleged complaints were sent in the

year 2010-11, when most of the respondents were not posted at Allahabad.

6. We find that by this writ petition, the petitioner has made another attempt, to malign the judicial officers and scandalise the administration of

justice.

7. We dismiss the writ petition, with costs quantifying at Rs. 10,000/- to be recovered from the petitioner by the District Magistrate, Allahabad in

accordance with law within three months. The District Magistrate, Allahabad will submit a report to the Registrar General of the Court, after

recovering the amount from the petitioner.

24. Contemnor thereafter also filed a recall application seeking recall of order dated 17th January, 2013 wherein he claims to have raised certain

legal pleas, besides comments on other aspects. It would be appropriate to reproduce paras 2, 6 to 10, 14, 17, 18, 20 and 22 thereof as under:

2. That admittedly allegation of the informant in the aforesaid case and dated 21.7.2011 is that informant has thrown out the case law of Hon"ble

Apex Court as well as Hon"ble Court Allahabad filed defendant lady Sonti Devi in O.S.M. 18180 of 20013 due to milieus intention and it is also

admitted case by the parties informant also thrown out the written argument filed by lady Shanti Devi defendant in O.S. No. 181820/2003 due to

malicious intention as alleged in para 1 and 2 of the complaint dated 21.07.2011 informant due to malicious intention disobey the view of Hon"ble

Court as well as Hon"ble High Court Allahabad and not consider the same.

6. That on the complaint of objector Hon"ble D.P. Singh Justice punished the Sri Pradeep Kumar Srivastava serial No. 9 in contempt No. 1694 of

2006 by judgement dated 12.11.2007 and there is bad entry in C.R. of aforesaid officer and on the complaint of the objector in O.S. No. 615 of

19879 Sankatha Prasad v. Vidya Devi Hon"ble B.L. Yadav Justice Punished Fareedul Haq and there is bad entry in the C.R. of aforesaid Officer

hence order dated 06.05.2015 is bad in law and against the connance of law and exparty order. I was not heard.

7. That on the complain of the objector Hon"ble R.K. Agarwal J. and Hon"ble Ran Vijay Singh J. Punished the Bhupesh Kumar Gupta in

F.A.F.O. No. 2923 of 2010 dated 11.02.2011 and there is bad entry in C.R. Of aforesaid officer S.N. 8 and he is suspended hence order dated

06.05.2015 is bad in law and against the connance of law.

8. That on the complaint of objector Hon"ble High Court Punished the Rajeev Agarwal. There is number of red entry in the C.R. of aforesaid

officer, hence exparty order dated 06.05.2015 is bad in law.

9. That objector had made a complaint in the year of 2006 against Sri Pratush Kumar and Sri Janardhan Singh and against Sri Deepak Yadav on

dated 25.11.2010 before Hon"ble President of India which is still pending there is a specific plea in para 24, 25 in the objection of objector there

is a prima facie order of Hon"ble President of India in reference No. P2/G/100/110049 there is a documentary evidence in annexed in the

objection of objector at page 128, 129.

10. That once a aforesaid officers had been punished in many years ago on the complaint of the objector prior to this proceeding then no additional

charge should be framed against the objector on the same cause of action hence exparty order dated 06.05.2015 is bad in law that aforesaid

proceeding of the aforesaid case is highly laches liable to be case and should be quash in the interest of justice.

14. That there is a appearances of objector in many cases to gave justice in the society and country to kill his own time and in this own expenses it

is voice of various judgement attach with the objection of various Hon"ble High Court.

17. That para 3 and 4 of the report of the informant is totally false hence denied. It is proved by judgement of various Hon"ble High Court in which

there is appearance of objector that case of reported cases and hearing cases and in that judgment operation has been taken place on the spot.

18. That objector never abuse the informant neither three ten to him and neither use any unparliamentary language in the Court objector from begging

to till now maintained dignity and decorum and the Court before Hon"ble Court and will always maintain the same and always will use parliamentary

language in the Court at that time Sri Mustaqeem Ahamad Advocate and Bhola Prasad Yadav Advocate and Kailash Nath Tripathi Advocate and

Council of the plaintiff Sri S.C. Dwivedi of O.S. No. 1818 of 2003 were present in the Court.

20. That appearances of objector in various Hon"ble High Court it is shows that report made by informant in para 3 and 4 of the report is totally

false hence denied and informant is liable to be punished under Section 219 I.P.C. for sending false report.

21. That Court have no right and jurisdiction to ban the practice of advocate.

22. That objector is suffering from heart trouble and is ill health.

25. Similar application was filed to recall order dated 6.5.2015 which was rejected and thereagainst SLP has also been dismissed by Supreme

Court on 24.7.2015.

26. Before proceeding further, we may also bring on record that after Reference was made on 21.7.2011, it appears that Contemnor and other

advocates, on coming to know of such reference, created a difficult scene in District Judgeship, Allahabad. It has been reported to this Court by

Sri A.K. Agarwal, the then District Judge, Allahabad vide letter dated 11th August, 2011 that Sri Deepak Yadav, Reference Officer, vide letter

dated 10th August, 2011 informed him (District Judge) of a situation which was brought by Contemnor and some other Advocates, stating as

under:

With respect to the aforesaid subject, it is to inform that today at around 2 pm, about 250 to 300 advocates including the Bar President Shri K.K.

Tiwari Advocate, Secretary Shri Dinesh Srivastava Advocate, Sheetala Mishra Advocate, Shri Balram alias K.K. Mishra Advocate surrounded

the judicial room and chamber and resorted to sloganeering to boycott the Court. These persons also entered the Court room, scuffled with the

litigants and forced them out by hurling them with expletives. Advocate Shri K.K. Mishra alias Balram and some other advocates were hurling the

Court and its staff with abusive words targeting their mothers and sisters and were retorting, ""We'll see how you people work after initiating

contempt proceedings"". We'll break your hands and legs. Facing tough times, I have somehow come out of the chamber and saved my life;

employees are locked in Court room. I am sending this intimation from CJM's place.

(English Translation By the Court)

27. District Judge in his letter dated 11th August, 2011 has given further details and stated that on 28th July, 2011, District Bar Association,

Allahabad (hereinafter referred as "DBA") passed resolution to abstain from judicial work on that date i.e. (28.7.2011) as a mark of protest

against alleged misbehavior of Sri Deepak Yadav, Reference Officer with Contemnor. DBA has also condemned misbehavior of Reference

Officer. Similar resolutions were received by District Judge on 29.7.2011, 30.7.2011, 1.8.2011 and 2.8.2011. Thereafter some incident took

place between police and lawyers in the campus of Judgeship whereupon advocates abstained from judicial work on 3.8.2011, protesting against

lodging of alleged false report against several advocates. Similar resolutions for abstaining from judicial work were also communicated to District

Judge on 4th, 5th and 6th August, 2011. On 8th August, 2011 a resolution signed by Sri Deepak Kumar Srivastava, Secretary, DBA was

communicated to the District Judge, informing that it was resolved in General House that protest against reference of contempt made by Reference

Officer against Contemnor, would continue, advocates shall boycott judicial work of Court of Reference Officer but would work in other Courts.

Another resolution of same date signed by Sri Santosh Kumar Yadav, Senior Vice President, DBA was communicated to District Judge that it

was resolved in General House that boycott would be resorted in respect of all the Courts and not of only one Court. Resolution communicated

through Secretary, DBA was claimed to be wrong communication. Thereafter a group of lawyers, approximately 50-60, raising slogans ""Vakil

Ekta Zindabad"" forced staff of various Courts to close doors of Courts and also did not allow judicial work. Report to this effect was received by

District Judge from various Courts. In the morning of 9th August, 2011 a delegation of lawyers met District Judge in his Chamber and a

memorandum signed by several lawyers was presented to him. It is said that no resolution was passed in General House regarding abstention from

judicial work in the Court of Reference Officer. Boycott by advocates was illegal and advocates signing memorandum condemn it. It was also

stated that they were willing to do judicial work in all the Courts. No resolution was received from DBA on 9th August, 2011 but Courts were

disrupted by group of lawyers for some time. Thereafter a delegation led by Sri K.B. Tiwari, President DBA met District Judge in his Chamber on

the same day i.e. 9th August, 2011 and requested that newly instituted suits, to be heard after lunch in Court of Reference Officer, be transferred

to some other Court for hearing on ad interim injunction applications since lawyers were boycotting the said Court. On that date, Reference Officer

was on leave, hence newly instituted suits were presented in other Courts automatically. On 10th August, 2011 judicial work upto lunch was

performed smoothly in all Courts. After lunch when District Judge was sitting in his Court, hearing Bail Applications, Transfer Applications and

Misc. Cases, Sri K.B. Tiwari, President, DBA came to his Court and informed that lawyers were agitating in front of Court of Sri Deepak Yadav.

A request was made to transfer fresh matters from Court of Sri Deepak Yadav to some other Court. Request was not accepted by District Judge

since on earlier date, several lawyers had already communicated that they will work in Court of Sri Deepak Yadav. After a few minutes, District

Judge received a call from Reference Officer on his mobile that some ugly situation has developed in his Court. District Judge retired in his

Chamber and called some senior Additional District Judges to discuss the matter. In the meantime, a group of lawyers led by Sri K.B. Tiwari,

President, DBA intimated that some altercation between lawyers had taken place in front of Court of Reference Officer. He further requested to

transfer newly instituted suits from Court of Reference Officer to some other Court. The District Judge asked him to keep patience since matter

was informed to High Court and direction was awaited. When these talks were going on, District Judge was informed that one officer has received

call from Reference Officer that he had been gheroad in his Chamber and a large number of lawyers were raising slogans. District Judge deputed

two senior officers to rescue Reference Officer who managed to bring him safely in the Chamber of District Judge after about half an hour. District

Judge required Reference Officer to submit written report whereupon aforesaid report dated 10th August, 2011, noticed above, was submitted by

Sri Deepak Yadav.

28. On 10th August, 2011 at 5.40 P.M. District Judge received resolution dated 10th August, 2011 signed by Sri Dinesh Kumar Srivastava,

Advocate, Secretary, DBA stating that General House of DBA has resolved on 2.8.2011 that lawyers would boycott Court of Sri Deepak Yadav

due to his misbehavior with lawyers and General House reiterated same resolution on 10th August, 2011. It was also requested that fresh cases

(newly instituted) in the Court of Sri Deepak Yadav should be transferred to some other Court so that lawyers and litigants are not put to any

inconvenience and Court work may proceed smoothly and peacefully.

29. Judicial Officer (Sri Deepak Yadav) further informed District Judge in addition to written report that he was gheroad and his security was

threatened. Some lawyers also met District Judge and told that they were manhandled. President, DBA also confirmed to District Judge that

between two groups of lawyers there was scuffle and manhandling. Other judicial officers apprehended that such type of clash among lawyers

might lead to violence in which officers, lawyers, officials and litigants might get hurt. The incident which took place on 10th August, 2011, shows

that situation has become serious and any untoward incident might happen, jeopardizing security of judicial officers and employees. District Judge

also apprehended that judicial record and Court property might also be damaged.

30. Thus from the above facts it is clear that act on the part of lawyers as also office bearers of DBA, including Contemnor apparently, constitute

criminal contempt. It has not only disrupted administration of justice but also attempted to cause security threat to the Presiding Officer of Court. In

the report of Reference Officer, Contemnor was specifically identified having loudly abused Presiding Officer and obstructed the Court functioning.

31. We also find from record that even before this Court, Contemnor showed a defunct attitude when charge was framed which has been noticed

by the Bench in order dated 17.1.2013:

The above charge was explained to the Contemnor in Hindi during which course also he started shouting at the Court also and denied the same

and claimed to be tried.

32. While considering the question, ""whether a person has committed criminal contempt"", this Court has to examine whether such person has done

something which constitute ""criminal contempt"" as defined under section 2(c) of Act, 1972. The correctness of judicial orders passed by

subordinate Courts is not to be examined when Court is dealing with matters of criminal contempt for the reason that there is enough statutory

forum provided for redressal against such order, if any. A judicial officer may pass an order and may commit mistake for which provisions of

appeal, revision, etc. have been provided in various statutes. However, in the garb of complaint against judicial order, no person can claim a

license to cast serious aspersions on the conduct and integrity of Presiding Officer(s) of Court and also create a scene in the Court which may have

the effect of scandalizing Court and lowering down its authority.

33. The facts noticed above and the allegations made by Contemnor before subordinate Court and his conduct before Court below as also this

Court leaves no manner of doubt that his acts ex-facie constitute criminal contempt of subordinate Court. Moreover, Contemnor has no remorse

whatsoever to his such conduct.

34. The term ""criminal contempt"" has been defined under Section 2(c) of Act, 1971 as under:

criminal contempt"" means the publication (whether by words, spoken or written, or by signs, or by visible representations, 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;

(emphasis added)

35. Taking substance of various applications submitted by contemnor before Court below, insinuations and allegations made by him are; (i) the

Judicial Officer concerned has conspired with a party, has taken bribe; (ii) Judicial Officer concerned was so much overwhelmed due to bribe; (iii)

Presiding Officer concerned has conceived judiciary as a playground; and (iv) Law and justice is ignored by Presiding Officer concerned.

Allegations ex facie scandalize and lower down authority of the Court.

36. It is tried to suggest that these are the allegations against Judge(s) individual and, therefore, cannot come within the purview of "criminal

contempt" under Section 2(c) of Act, 1971 but at the best, may constitute an offence of defamation under Section 499 IPC or Section 228 IPC

i.e. intentional insult or interruption to public servant sitting in judicial proceeding and Judicial Officer(s) was free to take appropriate criminal

proceedings against Contemnor but no contempt would lie.

37. We find no substance in the submission. The allegations are not against individual officer regarding his integrity but in respect to his functioning

as a Judicial Officer in the Court and in respect of various orders passed by him. When these allegations are made, public confidence in the

impartiality, fairness and independence of institution as a whole is bound to shrink. Hence, it is bound to scandalise and lower down authority of the

Court.

38. A similar argument was considered in State of Madhya Pradesh Vs. Revashankar, and rejected. Similar allegations were made in that case

also against a Magistrate. The Court said that aspersions made prima facie show that they were much more than a mere insult to the learned

Magistrate. In effect, they scandalise Court in such a way as to create distrust in the popular mind and impair confidence of people in Courts.

39. Subsequently. In In Re: Arundhati Roy, , the Court observed that offence under IPC is different than a contempt of Court. Law of defamation

under Penal Code cannot be equated with law of Contempt of Court in general terms. The Court referred to a Privy Council's decision in

Surender Nath v. Chief Justice and Judges of the High Court, 10 Cal. 109 wherein it has been observed that "although contempt may include

defamation, yet an offence of contempt is something more than mere defamation and is of a different character"".

40. Willmot C.J. in Willmot's Opinion page 256; Rex b. Davies 30 at page 40-41 said:

..in my opinion claim out for a more rapid and immediate redress than any judges as private individuals but because they are the channels by which

the Kings's justice is conveyed to the people.

This passage has been quoted with approval in Re: Arundhati Roy (supra) also.

41. The Court further referred to its earlier decision in Bathina Ramakrishna Reddy Vs. The State of Madras, holding:

When the act of defaming a Judge is calculated to obstruct or interfere with the due course of justice or proper administration of law, it would

certainly amount to contempt. The offence of contempt is really a wrong done to the public by weakening the authority and influence of Courts of

law which exist for their good.

attacks upon the judges excite in the minds of the people a general dissatisfaction with all judicial determinations... and whenever man's allegiance

to the laws is so fundamentally shaken it is the most fatal and dangerous obstruction of justice

42. What is made punishable in Indian Penal Code is the offence of defamation as defamation and not as Contempt of Court. If the defamation of

a subordinate Court amounts to Contempt of Court, proceedings can certainly be taken under Section 2 of Act, 1971, quite apart from the fact

that other remedy may be open to the aggrieved officer under Section 499 IPC.

43. The Contemnor said that whatever he has said was correct and a fair statement of fact. Here he has tried to bring in Section 13 of Act, 1971

which has been amended permitting "truth" as a defence in contempt matter. It reads as under:

13. Contempts not punishable in certain cases -

Notwithstanding anything contained in any law for the time being in force, -

(a) no Court shall impose a sentence under this Act for a contempt of Court unless it is satisfied that the contempt is of such a nature that it

substantially interferes, or tends substantially to interfere with the due course of justice;

(b) the Court may permit, in any proceeding for contempt of Court, justification by truth as a valid defence if it is satisfied that it is in public interest

and the request for invoicing the said defence is bonafide"".

(emphasis added)

44. Defence of "truth" is not a shield to protect someone's ex facie acts constituting contempt, who is guilty of levelling serious allegations against

Judge in respect of his judicial functioning and has tried to lower down authority of the Court.

45. The extract of various applications and affidavits filed by Contemnor and submitted to Presiding Officer of Court below as well as this Court

leave no manner of doubt that the same have the effect of scandalizing and prejudicing not only the Judge(s) but also the Court. It also amounts to

interfering with the administration of justice.

46. In *Rachapudi Subba Rao Vs. Advocate General, Andhra Pradesh*, the Contemnor, Rachapudi Subba Rao, served a notice upon Additional

Subordinate Judge making various allegations in respect of a judgment given by him. The allegations of bad faith, malice, partiality etc. were made.

Proceedings of contempt under Section 12 read with 10 and 15 of Act, 1971 were initiated. Court held that tone, temper and contents of notice

impute malice, partiality and dishonesty to the Subordinate Judge in judicial adjudication, constituting a deliberate attempt to scandalise the judge,

to terribly embarrass him, and, to lower the authority of his office and the Court.

47. In *Shamsher Singh Bedi Vs. High Court of Punjab and Haryana*, the Contemnor, Shamsher Singh Bedi, an advocate faced criminal contempt

proceedings. One Gurdial Singh was arrested and remanded to judicial custody. A bail application was filed before Magistrate, which was

rejected. Gurdial Singh served a notice upon Magistrate, which was drafted by advocate Shamsher Singh Bedi. The notice contains certain

remarks, scandalous in nature. Court held that notice having been drafted by advocate, he cannot escape responsibility in his professional capacity.

The allegations being scandalous in nature, they tend to pervert course of justice and likely to interfere with proper administration of justice, hence,

amount to criminal contempt. The Court also observed that it is not necessary to show that there has been actual interference with administration of

justice by such remarks and, it is enough, if it is likely or tends in any way to interfere with the proper administration of law.

48. Insulting a Judge engaged in judicial work or imputing corrupt practices to him in discharge of his official duties is a very grave contempt. It is

nothing but scandalising the Court. A Division Bench of Andhra Pradesh High Court in *State of A.P. Vs. Dr. A. Gopal Menon, Secretary*,

Vigyanapuri Allottees Welfare Association, said:

The test for determining whether this kind of contempt has been committed is to find out whether the act in question has a tendency to pollute the

fountain of justice and whether it has a tendency to destroy the confidence of common man in the administration of justice.

49. If an impression is made in the mind of public that Judges of the Court act on extraneous considerations in deciding cases, confidence of

litigants, in particular, and, public in general, in the administration of justice is bound to be undermined. No greater mischief than that can possibly

be imagined.

50. The allegation of mala fide, bad intention against a Judge in respect to a judicial order clearly amounts to scandalizing the Court and is a

criminal contempt". Vilificatory criticism of a Judge functioning in Court is nothing but a clear criminal contempt since it not only affects

"administration of justice" but also lowers the authority and dignity of Court. It creates a distress in the public mind as to the capacity of Judge to

meet out even-handed justice. Reckless and scurrilous attack made against a Judge, imputing oblique motives in discharge of his judicial functions

and suggesting unholy acquaintance and constant contacts with one of the litigant to favour him/them for granting relief amounts to criminal

contempt.

51. In Re: S. Mulgaokar, , Court said that judiciary cannot be immune from criticism, but, when that criticism is based on obvious distortion or

gross mis-statement and made in a manner which seems designed to lower respect for judiciary and destroy public confidence, it cannot be

ignored. When there appears some scheme and a design to bring about results which may damage confidence in judicial system and demoralize

Judges by making malicious attacks, anyone interested in maintaining high standards of fearless, impartial, and unbending justice will feel perturbed.

52. In re: Vinay Chandra Mishra (the alleged contemner), , Court observed that normally, no Judge takes action for in facie curiae contempt

against lawyer unless he is impelled to do so. It is not the heat generated in the arguments but the language used, the tone and the manner in which

it is expressed and intention behind using it which determine whether it was calculated to insult, show disrespect, to overbear and overawe the

Court and to threaten and obstruct the course of justice. It was also observed that making allegations or aspersions on the integrity of Judge is not

to be misunderstood as a outspoken fearless attitude of an advocate. Brazenness is not outspokenness and arrogance is not fearlessness. Use of

intemperate language is not assertion of right nor is a threat, an argument. Humility is not servility and Courtesy and politeness are not lack of

dignity. Rule of law is the foundation of democratic society. If judiciary is to perform its duties and its functions effectively, and true to the spirit with

which they are sacredly entrusted to it, the dignity and authority of Courts have to be respected and protected at all costs. The foundation of

judiciary is trust and confidence of people in its ability to deliver fearless and impartial justice. When foundation itself is shaken by acts which tend

to create disaffection and disrespect for authority of Court by creating distrust in its working, the edifice of judicial system gets eroded.

53. Of late, we find a deep increase in tendency of advocates in making allegations against Presiding Officers of Courts and thereafter also try to

justify their allegations by filing transfer applications with such allegations. In the context of allegations of bias etc. against Presiding Officers made in

transfer applications filed under Section 24 C.P.C. or 407 Cr.P.C., the Court, time and again has held that apprehension of bias must be shown

bona fide and reasonably. It should be substantiated by material placed before the Court. Reminding the duties of advocate, in Smt. Sudha Sharma

Vs. Ram Naresh Jaiswal, , the Court said that a foremost duty cast upon the counsel concerned while drafting and making allegations against Judge

concerned, is to take utmost care and caution in making wild allegations against the Presiding Judge. The counsel should realise that he is officer of

the Court. Introducing fanciful and imaginary allegations for harbouring apprehension that fair and impartial justice would not be done should be

avoided. Mere suspicion by party is not sufficient. There must be reasonable apprehension based on material.

54. The justice delivery system knows no caste, religion, creed, colour etc. It is a system following principle of black and white, i.e., truth and false.

Whatever is unfair, that is identified and given its due treatment and whatever is good is retained. Whoever suffers injustice is attempted to be given

justice and that is called dispensation of justice. The prevailing system of dispensation of justice in Country, presently, has different tiers. At the

ground level, Courts are commonly known as ""Subordinate Judiciary"" and they form basis of administration of justice. Sometimes it is said that

subordinate judiciary forms the very backbone of administration of justice. Though there are various other kinds of adjudicatory forums, like,

Nyaya Panchayats, Village Courts and then various kinds of Tribunals etc., but firstly they are not considered to be regular Courts for adjudication

of disputes, and, secondly the kind and degree of faith, people have in regular established Courts, is yet to be developed in other forums. In

common parlance, regular Courts, known for appropriate adjudication of disputes basically constitute subordinate judiciary, namely, the District

Court; the High Courts and the Apex Court.

55. The hierarchy gives appellate and supervisory powers in various ways. The administrative control of subordinate judiciary has been conferred

upon High Court, which is the highest Court at provincial level and is under constitutional obligation to see effective functioning of subordinate

Courts by virtue of power conferred by Article 235 read with 227 of the Constitution. No similar power like Article 235 , in respect to High Court

is exercisable by Apex Court, though it is the highest Court of land. Its judgments are binding on all. Every order and judgment of any Court or

Tribunal etc., in the Country, is subject to judicial review by Apex Court. This is the power on judicial side. Thus scheme under the Constitution

imposes heavy duty and responsibility upon High Court to ensure due or proper honour of subordinate Court and Judge and to save them from

such scurrilous attack.

56. In *In Re: Ajay Kumar Pandey, Advocate*, Court said that superior Courts, i.e. High Court as also the Apex Court is bound to protect Judges

of subordinate Courts from being subjected to scurrilous and indecent attacks, which scandalise or have the tendency to scandalise, or lower or

have the tendency to lower the authority of any Court as also all such actions which interfere or tend to interfere with the due course of any judicial

proceedings or obstruct or tend to obstruct the administration of justice in any other manner. No affront to the majesty of law can be permitted.

The fountain of justice cannot be allowed to be polluted by disgruntled litigants. The protection is necessary for Courts to enable them to discharge

their judicial functions without fear.

57. If there is a deliberate attempt to scandalize a judicial Officer of subordinate Court, it is bound to shake confidence of litigating public in the

system and has to be tackled strictly. The damage is caused not only to the reputation of concerned Judge, but, also to the fair name of 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 tame a Judge into submission to secure a desired order. Foundation of our system is based on the

independence and impartiality of the men having responsibility to impart justice i.e. Judicial Officers. If their confidence, impartiality and reputation

is shaken, it is bound to affect the very independence of judiciary. Any person, if allowed to make disparaging and derogatory remarks against a

Judicial Officer, with impunity, is bound to result in breaking down the majesty of justice.

58. We cannot ignore the fact that much cherished judicial independence needs protection not only from over zealous executive or power hungry

legislature but also from those who constitute, and, are integral part of the system. Here is a case where an Advocate has levelled serious

allegations. The Advocate forgetting higher status conferred upon him, making him an Officer of the Court, has chosen to malign Judicial Officer of

the Subordinate Court.

59. An Advocate's duty is as important as that of a Judge. He has a large responsibility towards society. He is expected to act with utmost

sincerity and respect. In all professional functions, an Advocate should be diligent and his conduct should also be diligent. He should conform to

the requirements of law. He plays a vital role in preservation of society and justice system. He is under an obligation to uphold rule of law. He must

ensure that the public justice system is enabled to function at its full potential. He, who practices law, is not merely a lawyer, but acts as moral

agent. This character, he cannot shake off, by any other character on any professional character, he derives from the belief that he shares sentiment

of all mankind. This influence of his morality is one of his possession, which, like all his possession, he is bound to use for moral ends. Members of

the Bar, like Judges, are the officers of Court. Advocacy is a respectable noble profession on the principles. An Advocate owes duty not only to

his client, but to the Court, to the society and, not the least, to his profession.

60. We do not intend to lay down any code of conduct for the class of the people known as "Advocates", but certainly we have no hesitation in

observing that no Advocate has any business to condemn a Judge merely on the basis of his caste, creed or religion or for any other similar trait or

attribute. If there is something lacking on the part of a Judicial Officer touching his integrity, Advocates, being Officers of the Court, may not remain

a silent spectator, but should come forward, raising their voice in an appropriate manner before the proper authority, but there cannot be a licence

to any member of Bar to raise his finger over the competence and integrity etc. of a Judicial Officer, casually or negligently, or on other irrelevant

grounds. Here the competence and capacity of concerned Judicial Officer has been attempted to be maligned commenting upon his integrity and

honesty. It deserves to be condemned in the strongest words. No one can justify it in any manner. Thinking of intrusion of such thought itself

sounds alert. It is a siren of something which is not only very serious, but imminent. It is a concept or an idea which should not have cropped up in

anybody's mind, connected with the system of justice, and if has cropped up, deserves to be nipped at earliest, else, it may spreads its tentacles to

cover others and that would be a dooms day for the very institution.

61. This Court also made similar observations in Smt. Munni Devi and Others Vs. State of U.P. and Others, and in para 10, said:

10. Be that as it may, so far as the present case is concerned, suffice is to mention that the Constitution makers have imposed constitutional

obligation upon the High Court to exercise control over subordinate judiciary. This control is both ways. No aberration shall be allowed to enter

the Subordinate Judiciary so that its purity is maintained. Simultaneously Subordinate Judiciary can not be allowed to be attacked or threatened to

work under outside pressure of anyone, whether individual or a group, so as to form a threat to objective and independent functioning of

Subordinate Judiciary.

62. Criticism of an order of a Court cannot be equated with making scurrilous attack on the conduct and integrity of the Judicial Officer/Presiding

Officer of the Court. In the present case, an open allegation of bribe has been levelled against Judicial Officer(s).

63. Wild imaginary allegations against conduct of Judicial Officer without having any material to substantiate the same cannot be tolerated,

inasmuch as, it not only brings into disrepute the entire justice system but is likely to cause serious erosion in the confidence of public in case such

tendency is not snipped at the earliest. The Judicial Officer/Judges had no platform to stand and clarify the circumstances in which order has been

passed by them. They had no platform to defend themselves. The strength of judiciary comes from the strong public opinion which it has in the

system. If unsubstantiated flimsy imaginary fanciful allegations are made by a party, who did not find an order in its favour, it will demolish the very

foundation of the system of justice. Every order passed by Court will be in favour of one of the party and against another. The losing party cannot

be allowed to challenge the very integrity of Judicial Officer in passing an order and that too without any material to support such a allegation. If we

allow such a trend to remain unnoticed, or condone the same without any appropriate action, it will not only encourage such tendency amongst

other and but also resultant situation may cause a serious blow to the system of administration of justice, which is one of the founding pillar of

constitutional scheme and has to be protected by all legal and reasonable means.

64. We may put on record that we called upon the contemnor to place on record any material and evidence to substantiate his allegations of bribe

etc. levelled against Judicial Officer(s) and we told him that in case the same can be proved, this Court would take all steps, permissible in law, to

weed out such a Judicial Officer from the cadre of Judicial Officers of subordinate Courts but he failed and did not make any attempt to do so.

Therefore, attempt of Contemnor to shield himself with reference to Section 13 of Act, 1971 is misconceived. This provision has no applicability in

this case.

65. In view of above discussion, we find that charges levelled against Contemnor are proved. He has committed criminal contempt of subordinate

Court.

66. Coming to question of punishment, we find that Contemnor was already reprimanded by this Court for his conduct and for sufficiently long time

he was prevented from entering District Judgeship, Allahabad. Repeated affidavits filed before this Court, the language used therein and contents

thereof are evident to show that Contemnor has no repentance or remorse for his actions and since then has tried to grab every opportunity to

malign not only Reference Officer but various other judicial officers of District Judgeship, Allahabad. In some of the affidavits which he has filed

before this Court, even in respect of orders of this Court, during proceeding of this criminal contempt, he has levelled allegations against this Court

also. Therefore, he deserves a severe punishment.

67. We, therefore, punish the Contemnor for committing criminal contempt of subordinate Court to undergo simple imprisonment of six months.

Besides he would also pay a fine of Rs. 2000/-. In case of nonpayment of fine, he shall undergo one month further simple imprisonment.

68. Looking to the conduct of Contemnor and continued nuisance he has tried to create in Court below as well as in this Court, we think

appropriate to restrain him from entering premises of District Judgeship, Allahabad as well as this Court for a period of three years.

69. The conduct and attitude of Contemnor while working as member of Bar, after expiry of period of punishment as also restraint order of

entering Court premises, shall remain under the constant watch of District Judge, Allahabad as well as Registrar General of this Court and if any

untoward activity on the part of Contemnor is found, the same shall be reported to this Court forthwith.

70. Copy of this order shall be made available to District Judge, Allahabad and Chief Judicial Magistrate, Allahabad as also Registrar General for

communication and compliance

71. With the aforesaid punishment, order and direction, the contempt application is disposed of.

72. After delivery of judgement, the Contemnor prays that sentence imposed by this Court vide judgement of date be suspended to enable him to

avail statutory remedy of appeal under Section 19 of Contempt of Courts Act, 1971 (hereinafter referred to as ""Act, 1971"") before the superior

court.

73. In the circumstances, we suspend the sentence for a period of 60 days to enable him to avail remedy of appeal. In case, the appeal is not filed

or if filed but no otherwise order is passed in the appeal, the Contemner shall surrender before Chief Judicial Magistrate, Allahabad, on 9.2.2016

who would immediately take appropriate steps for serving out sentence by Contemnor as directed in the judgement of date passed in this contempt

application.