



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

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CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Suo Motu Criminal Contempt Petition No.2493 of 2022
in W.P.No.22410 of 2018

High Court of Madras,
High Court,
Madras - 600 104.

...

Petitioner

versus

1.P.Angamuthu
2.S.Sundaram (Died)
3.M.Muruganandam

4.Shanmugam @ Lakshminarayanan
5.Thangamani

[Suo Motu impleaded as respondents 4 and 5 as per the order of this Court made in Sua Motu Cont.P.No.2493 of 2022 dated 16.11.2022]

6.P.Meiyappan
7.S.Amal Raj

...

Contemnors /
Respondents

[Suo Motu impleaded as respondents 6 and 7 as per the order of this Court made in Sua Motu Cont.P.No.2493 of 2022 dated 12.02.2024]



Prayer: Suo Motu Criminal Contempt proceedings initiated against the Contemnors herein as per the order of this Court made in W.P.No.22410 of 2018 dated 05.09.2018.

For Petitioner : Mr.Karthik Ranganathan

For Respondent Nos.1 & 2 : Died *vide* Court order dated 10.07.2024

For Respondent Nos.3 & 5 : Mr.Abudu Kumar Rajarathinam
Senior Counsel
for Mr.M.Guruprasad

For Respondent No.4 & 7 : Mr.B.M.Subash

For Respondent No.6 : Mr.M.Sankar
for Mr.E.Maharajan
Mr.E.Raj Thilak
Additional Public Prosecutor

For complainant /
Writ Petitioner : Mr.N.Manoharan

ORDER

[Order of the Court was made by ***S.M.SUBRAMANIAM, J.***]

The Division Bench of this Court, by order dated 19.12.2022 instituted Suo Motu Criminal Cont.P.No.2493 of 2022.

2. The learned single Judge of this Court, while dealing with W.P.No.22410 of 2018, found that the fake High Court interim orders were produced before the Bailiff while executing a Civil Court decree. Consequently, Suo Motu Criminal Contempt proceeding was initiated *vide* order dated 05.09.2018 and the matter was referred to the Division Bench. The Division Bench initiated Suo Motu Criminal Contempt Petition No.2493 of 2022 and framed the following charges:-



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“Since S.Sundaram (2nd contemnor) has died, no charge could be framed against him.

2. That, you, Angamuthu (1st contemnor), Muruganandam (3rd contemnor), Shanmugam @ Lakshminarayanan (4th contemnor) and Thangamani (5th contemnor) along with the deceased Sundaram submitted the photocopies of the following three fake orders of this Court, all dated 12.03.2018 to the bailiff, when he came for executing the decree as set out above.

i.C.R.P.No.1467 of 2018 and C.M.P.No.2038 of 2018

ii.C.R.P.No.1468 of 2018 and C.M.P.No.2039 of 2018 and

iii.C.R.P.No.1469 of 2018 and C.M.P.No.2040 of 2018

The above three orders appear to have been passed by Hon'ble Mrs.Justice Pushpa Sathyanarayana on 12.03.2018, whereas, the records of the Registry show that no such Civil Revision Petitions were even filed and the said Hon'ble Judge was not holding the C.R.P. roster on 12.03.2018 and therefore, it is evident that these three orders have been fabricated.”

3. Though *Suo Motu Criminal Contempt* proceeding was initiated by the Division Bench of this Court in the year 2022, opportunities were granted to all the parties to complete their pleadings. During the pendency of the contempt proceeding, Contemnor Nos.6 and 7 were impleaded *Suo Motu*



by this Court as the Police Report identified these persons, who have also been involved in the preparation and handing over of the fake High Court interim orders to the litigants, Contemnor Nos.3 and 5. Accordingly, revised charges are framed by this Court in its order dated 16.04.2024 as under:-

“That, you, P.Meiyappan (6th contemnor) and S.Amal Raj (7th contemnor) along with Contemnor Nos.3 to 5, including the deceased, P.Angamuthu and S.Sundaram, created fake orders of this Court, all dated 12.03.2018 and aided in producing it to the bailiff, when he came for executing the decree as set out in the order dated 19.12.2022:

- i.C.R.P.No. 1467 of 2018 and C.M.P.No.2038 of 2018
- ii.C.R.P.No.1468 of 2018 and C.M.P.No.2039 of 2018 and
- iii.C.R.P.No.1469 of 2018 and C.M.P.No.2040 of 2018

The above three orders appear to have been passed by Hon'ble Mrs.Justice Pushpa Sathyanarayana on 12.03.2018, whereas, the records of the Registry show that no such Civil Revision Petitions were even filed and the said Hon'ble Judge was not holding the C.R.P. roster on 12.03.2018 and therefore, it is evident that these three orders have been fabricated.

The above act of yours prima facie attracts Section 2(c)(iii) of the Contempt of Courts Act, 1971, which is punishable under Section 12, *ibid.*, in that, by submitting the aforesaid three photocopies of the orders of this Court, you have interfered with the administration of justice, in the



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execution of proceedings before the District Munsif, Tiruchengode.”

4. The facts in brief required for considering the present *Suo Motu Criminal Contempt Petition* are that J.K.K.Rangammal Charitable Trust, represented by N.Sendamarai, instituted Original Suits in O.S.Nos.212, 218 and 223 of 2000 on the file of the District Munsiff Court, Tiruchengode, against the Contemnors Nos.1 to 3 for recovery of possession and for arrears of rent. The suits were decreed after contest as prayed for 17.11.2004.

5. Contemnors Nos.1 to 3 filed Appeal Suits in A.S.Nos.39, 42 and 44 of 2008 before the Sub Court, Tiruchengode and all the Appeal Suits were dismissed on 12.04.2013. Consequently, J.K.K.Rangammal Charitable Trust filed E.P.Nos.14, 17 and 18 of 2014 seeking execution of the decree passed by the Civil Court. The Execution Court ordered for delivery in E.P.Nos.14, 17 and 18 of 2014 on 09.06.2017. The Court Amin came to effect delivery and it was obstructed by the Contemnors 1 to 3 / judgment debtors.

6. On 05.12.2017, the Execution Court ordered to effect delivery with Police aid in E.A.Nos.39 and 40 of 2017. On 17.04.2018, again, the



Court Amin, Policemen and Revenue Authorities proceeded the suit property to effect delivery possession to the decree holder / J.K.K.Rangammal Charitable Trust. Contemnor Nos.1 to 3 had produced the bogus interim stay orders allegedly granted by the High Court of Madras in C.R.P.Nos.1467 to 1469 of 2018.

7. On 23.04.2018, the delivery warrant was returned to the Execution Court in view of the stay order produced by the Contemnor Nos.1 to 3. The decree holders/ J.K.K.Rangammal Charitable Trust applied and obtained copies of the stay orders produced by the Contemnors in E.P.Nos.14, 17 and 18 of 2014. The decree holder had entered caveat before the High Court of Madras. On verification, they found that the said three interim stay orders furnished before the Execution Court were fraudulently created by committing forgery and impersonation in the name of the Hon'ble Judge of the High Court of Madras.

8. Consequently, J.K.K.Rangammal Charitable Trust gave a complaint to the Registrar General, High Court of Madras and Superintendent of Police, Namakkal District, on 03.05.2018. The Trust



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further gave a complaint to the Superintendent of Police, Namakkal, on 15.05.2018. The Registrar General, High Court, forwarded the complaint dated 18.07.2018 given by the Deputy Registrar (Current Section) to the Superintendent of Police, Namakkal, on 18.07.2018. Thereafter, the Trust filed W.P.No.22410 of 2018 before the High Court to direct the Superintendent of Police, Namakkal, to take action on the complaint dated 15.05.2018.

9. Meanwhile, F.I.R. in Crime No.8 of 2018 was registered by the District Crime Branch, Namakkal, under Sections 466, 468 and 471 IPC against the Contemnor Nos.1 to 3. The Writ Petition was disposed of. The Writ Petition directs the Registry to post the matter before the Division Bench, which deals with the criminal contempt matters. On 10.09.2018, the Contemnor No.4 / Shanmugam @ Lakshminarayanan was arrested by the District Crime Branch, Namakkal and he has given a statement about the details in which manner the fake order copies were prepared with the help of Contemnor No.6 / P.Meiyappan in a Digital Net Centre at Bhavani.



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10. On 11.09.2018, Contemnor No.3 / M.Muruganandam (A-1) and Contemnor No.4 / Shanmugam @ Lakshminarayanan (A-4) were arrested by the District Crime Branch, Namakkal. They have given a statement by disclosing the manner in which the fraudulent order copies were obtained by the Contemnor Nos.4 and 7. On 14.08.2019, the District Crime Branch, Namakkal, completed the investigation and filed a report in C.C.No.537 of 2020 before the Judicial Magistrate, Komarapalayam, against the Contemnor Nos.1 to 5. The Judicial Magistrate took cognizance under Sections 466, 468, 471, 207 and 120-B IPC on 05.10.2019.

11. The criminal contempt proceeding initiated was not numbered for about 4 years from 2018 to 2022, since the case bundle relating to W.P.No.22410 of 2018 was missing in the Registry, High Court. The said information was brought to the notice of the Division Bench on several occasions. After a lapse of 4 years, the bundle was traced out by the Registry and *Suo Motu Criminal Contempt Petition* was numbered as 2493 of 2022 pursuant to the direction given by the Division Bench on the basis of the representation made by the decree holder / J.K.K.Rangammal Charitable Trust and thereafter, the matter was listed for hearing.



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12. Cognizance has been taken in *Suo Motu Criminal Contempt* Petition No.2493 of 2022 and statutory notice was issued to the Contemnor Nos.1 to 5 and thereafter, the Court found that the Contemnor Nos.6 and 7 also involved in the process of preparation of the fake High Court interim orders and handed over to the Contemnor Nos.1, 2, 3 and 5. Contemnor Nos.1 and 2 died and proceedings against them stood abated.

13. Contemnor No.3 has filed an affidavit in response to a contempt petition stating that Contemnor No.4 had procured fraudulent interim orders of the High Court on payment of Rs.15,000/- under the guise of filing Civil Revision Petitions. They have produced the cell phone conversation between the Contemnor Nos.3 and 4. The said cell phone conversations were stated in the affidavit filed by the Contemnor No.3 in Paragraph Nos.12, 13, 15 and 16 as under:-

“**12.** I submit that after the disposal of the appeal, Mrs.Senthamarai / Decree Holder filed Execution proceedings in REP.No.14 of 2014 on the file of the Principal District Munsif Court, Thiruchengode against me. In the EP also delivery was ordered by the execution court, I and the other



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tenants were guided by Shanmugam @ Lakshmi Narayanan to prefer Revision before this Honourable Court. I humbly state that apart from me, Sundaram and Angamuthu, three other tenants Viz Chitra Devi Wife of Subash, Sugnaeeswari wife of Karthi and Srinivasan Son of Kandasamy also paid a sum of Rs.15,000/- for preferring Revision before this Honourable Court. On the date of the delivery, when the Amin came to take possession of the property, I was in my office at Erode and my wife Thangamani was at home. My wife Thangamani who is a home maker, had handed over the copy of the order to the Amin given by Mr.Shanmugam @ Lakshmi Narayanan through one Mr.P.Meiyappan. Neither me nor my wife are aware that the order copy which was handed over to us is a fake one. I submit that we had no occasion to doubt anyone, since for the past two decades Mr.Shanmugam @ Lakshmi Narayanan was handling the cases of all the tenants.

13. I submit that only after the publication of news article in the Daily Thanthi, I came to know about the fake order copy issue. Immediately when I approached Mr.Shanmugam @ Lakshmi Narayanan/4th contemnor herein in his mobile number: 95663 77791 on 09.09.2018, he informed me that one Mr.Thangapandian Advocate had given him this order copy. This conversation got recorded in the automated Samsung android phone which was with me at that point of time. I submit that after the directions of this Honourable Court, FIR



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was registered in Crime Number: 8 of 2018 on the file of the District Crime Branch, Namakkal on 04.09.2018 for the offences under section 466, 468 & 471 of IPC. I was arrested on 11.09.2018 and my wife was arrested on 10.09.2018. I submit that when we got arrested one Mr.Balakrishnan was the investigating officer. The copy of the conversation was also sent to the What's up of the Investigating Officer Mr.Balakrishnan. In the was the conversation it is informed by Mr.Shanmugam @ Lakshmi Narayanan/4th Contemnor that one of the juniors of Mr.Thangapandian Advocate will be filing the affidavit before the Registrar in the enquiry narrating that who had handed over the bogus order copy. The entire telephonic conversation happened between me and the 4th respondent would clearly prove the fact that myself and others had only handed over the case to file revision before this Hon'ble Court and I am totally clueless about the fake order copy. I submit that it is a Samsung Mobile Phone and it belongs to my brother Mr.Narender and its respective IMIE Numbers are:

IMIE1-357422073237948/01 and

IMIE2-357423073237946/01.

I would humbly state that the automated recorded conversation that took place between me and Mr.Shanmugam @ Meiyappan is still with me and I may be permitted to present the same before this Honourable Court for better appreciation of this



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contempt proceedings and also to establish the fact that we are totally innocent.

15. I most respectfully state that I and my wife are regularly appearing before the Learned Judicial Magistrate Komaraplayam. As on date, copies were not served to us before the trial court. I submit that I was given the copy of final report filed in C.C. No.537 of 2020 on the file of the Learned Judicial Magistrate Komaraplayam by way of typed set of papers before this Honourable Court by the counsel for the complainant. After perusing the same, I came to know that the statements of Muthusamy and Vimala are missing. I have applied for the certified copy of the charge sheet before the Learned Judicial Magistrate Komarapalayam and in the certified copy given to me also the statements of the Muthusamy and Vimala is not available though they have been cited in the Column 13 of the Final Report as 9th and 10th witnesses. It is the case of the prosecution that the bogus order was prepared in the computer centre belonged to one Muthusamy (arrayed as 9th witness in the final report) and the same was prepared by Vimala (arrayed as 10th witness in the final report). There is no explanation from the investigating agency, for non-enclosing the crucial statements of the witnesses in the final report submitted before the Learned Judicial Magistrate.

16. I respectfully state that I have not instructed anyone nor I have aided any one in creating the bogus order copy. At



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no point of time, I agreed to create a bogus order copy with any of the persons. I had handed over Rs.15,000/- to Mr.Shanmugam @ Lakshmi Narayanan/4th Contemnor herein only to prefer Revision before this Honourable Court.”

14. On 23.02.2023, the Contemnor No.3 has filed a Certificate under Section 65-B (4) of the Evidence Act, 1872, in respect of the telephonic conversation between the Contemnor Nos.3 and 4.

15. On 02.02.2023, Contemnor No.4 has filed an affidavit in response without even tendering an apology. He had adopted a defiant attitude and tried to divert the issue. Nowhere had he expressed his regret or remorse.

16. Contemnor Nos.3 and 5 have filed CrI.O.P.No.17492 of 2023 for reinvestigation / denova / fresh investigation in Crime No.8 of 2018 from District Crime Branch, Namakkal. On 21.09.2023, the Division Bench in CrI.O.P.No.17492 of 2023 directed the DGP to form a Special Team. On 23.09.2023, the DGP transferred to the investigation in Crime No.8 of 2018 to CBCID (OCU) and renumbered as Crime No.2 of 2023. From 28.09.2023



onwards, the CBCID conducted a detailed investigation, examined various persons, verified the court records and collected voluminous incriminating materials against Contemnor Nos.4 to 6.

17. Contemnor No.6 / P.Meiyappan was arrested by the CBCID. Contemnor No.7 / S.Amal Raj was arrested by the CBCID. On 17.10.2023, witnesses Thangaraj and Shanthi, who had acted as per the direction of the Contemnor No.4 / Shanmugam @ Lakshminarayanan, gave their statements under Section 164(5) Cr.P.C. to the Judicial Magistrate No.II, Namakkal. On 18.10.2023, sample voices of Contemnor Nos.3 and 4 (A-1 and A-4) were recorded by the Chief Judicial Magistrate, Namakkal, for comparison with the cell phone conversation held between them.

18. After completing the process of investigation to the above extent, the First Status Report was filed by the CBCID (OCU), Salem, in the present Contempt Petition on 18.10.2023. On 07.11.2023, CBCID had approached the Registrar General to verify the case records relating to C.R.P.Nos.1467 to 1469 of 2019. The CBCID had approached the Bar Council and Madras High Court Advocate Association to get details of the



Advocate Thangapandian, whose name was found in the fake High Court interim orders. The material objects seized from the Digital Net Centre, Bhavani, were sent to the Tamil Nadu Forensic Science Laboratory.

19. The Second Status Report was filed by the CBCID (OCU), Salem, on 19.12.2023. Thereafter, the Third Status Report was filed by the CBCID (OCU), Salem, on 12.02.2024. Based on the Status Reports filed by the CBCID, Contemnor Nos.6 and 7 were impleaded by this Court and revised charges are framed as stated in the aforementioned paragraph No.3.

20. Mr.N.Manoharan, learned counsel for the complainant / writ petitioner would submit that it is the classic case where the bogus High Court interim orders are created and produced before the Execution Court in order to prevent the Court Amin from executing the Civil Court decree which was passed in favour of the complainant's Trust. It is admitted by all the parties that the interim stay orders produced before the Execution Court are fake orders. It is nobody's case that the interim orders produced are genuine one.



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21. With this background case, we have considered the submissions of the learned counsel for the Contemnors.

22. Mr.Abudu Kumar Rajarathinam, learned Senior Counsel for the Contemnor Nos.3 and 5 would submit that the Contemnor Nos.1 and 2 died and Contemnor Nos.3 and 5 are victims. Contemnor No.5 is the wife of the Contemnor No.3 and she has no role to play in respect of the production of the fake High Court interim orders. Contemnor No.3 was a litigant who paid legal fees through Contemnor No.4. Contemnor Nos.4, 6 and 7 orchestrated the creation of the fake High Court interim orders and produced the same before the Execution Court to prevent the Court Amin from executing the Civil Court decree, which was confirmed by the First Appellate Court.

23. Mr.B.M.Subash, learned counsel for the Contemnor Nos.4 and 7 would strenuously oppose by stating that the Contemnor Nos.4 and 7 are no way connected with the production of the fake High Court interim orders. They have not handed over the copy of the fake High Court interim orders to the Contemnor Nos.3 and 5. They have no role in respect of the orders passed by the Civil Court in a suit at Namakkal. Contemnor No.4 was



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assisting his Aunt for conducting certain civil cases and therefore, he has not committed any contempt of court. It is further contended that the Contemnor No.4 has not received any fees amounting to Rs.15,000/- as stated by the Contemnor Nos.3 and 5 for filing Civil Revision Petitions before the High Court of Madras. Based on certain incorrect statements, the Contemnor Nos.4 and 7 are implicated in the contempt proceedings and therefore, the Contempt Petition is to be rejected.

24. Mr.E.Maharajan, learned counsel for the Contemnor No.6 would also oppose by stating that the Contemnor No.6 is also an innocent person unconnected with the creation of the bogus High Court interim orders. Contemnor No.6 had no knowledge about the High Court interim orders, nor has he handed over any such orders to the Contemnor Nos.3 and 5. Therefore, he is to be exonerated from the present criminal proceedings.

25. We have gone through the three reports filed by the CBCID. The Interim Report filed by the Deputy Superintendent of Police, OCU, CBCID, Salem, reveals that as per the statement of witnesses through Thangaraj and Shanthi and the telephonic conversation held between A-1 /



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M.Muruganandam and A-4 / Shanmugam @ Lakshminarayanan which was ascertained that the suspect P.Meiyappan had helped A-4 / Shanmugam @ Lakshminarayanan in the preparation of the fake stay order copies.

26. Further, it is revealed that A-4 / Shanmugam @ Lakshminarayanan had forwarded the format for the preparation of fake stay order copies received from the Advocate Thangapandian through P.Meiyappan's email. Thereafter, A-4 Shanmugam @ Lakshminarayanan prepared the fake stay order copies and handed over the same to the accused, Thangamani, Sundaram and Angamuthu through P.Meiyappan. In view of the above fact, P.Meiyappan was arrested on 13.10.2023 by the AIO of the Special Investigation Team, Inspector of Police, CBCID, Salem City, Salem. His confession was recorded and his mobile phone was seized along with the other documents.

27. The interim report further reveals that A-4 / Shanmugam @ Lakshminarayanan is an accused in yet another Namakkal DCB case in Crime No.29 of 2002. In the said case, Contemnor No.7 / S.Amal Raj is a co-accused of A-4 / Shanmugam @ Lakshminarayanan. Further,



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Senthamarai in her statement and A-4 / Shanmugam @ Lakshminarayanan in his confession given to the I.O. of the mother PS (DCB NKL) have mentioned that Contemnor No.7 / S.Amal Raj is the person who floated the idea of preparing the forged High Court stay orders.

28. The Additional Status Report filed by the Deputy Superintendent of Police, OCU, CBCID, reveals that the further investigations were conducted and the manner through which the bogus High Court interim orders were prepared and properties were seized from the Digital Net Centre, Bhavani, which were sent to the Tamil Nadu Forensic Science Laboratory for further examination.

29. Pertinently, the third report filed by the CBCID reveals that the actions were initiated to proceed with the criminal case.

30. Mr.Karthik Ranganathan, learned counsel for the petitioner would submit that the Tamil Nadu Forensic Science Report has already been received by the CBCID. The report of the forensic laboratory and the relevant portions are extracted hereunder:-



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“Opinion of Examination

Based on the above observations, it is opined that:-

- i) the audio recording in the audio file. "AUD-20230102-WA0073.mp3" of the pendrive, is genuine and devoid of any digital manipulation.
- ii) the utterances marked as 'A' and 'B' in the verbatim transcription of the alleged conversation in the audio file. "AUD-20230102-WA0073.mp3" of the pendrive could be the voice of Tr.M.Muruganantham and Tr.O.Shanmugam @ V.O.Lakshmi Narayanan, respectively.

The above detailed pendrive, packed and sealed, is returned herewith.”

31. Mr.Karthik Ranganathan, learned counsel for the petitioner would rely on the judgment of the Hon'ble Apex Court in the case of ***Ram Autar Shukla Vs. Arvind Shukla*** reported in ***1995 Suppl (2) SCC 130*** wherein the Hon'ble Apex Court has made the following observations:-

“7..... It tended to interfere with the course of justice in legal proceedings to gain unfair advantage over the petitioner and is not as innocent as pretended to be by the respondent. Further as we have already held that he alone stands to gain by fabricating the court proceeding and producing it before the authorities for his continuance as a



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Manager of the School, he had the necessary animus or mens rea to fabricate the court's proceedings impersonated himself to be the petitioner and produced it in the office of the District Inspector of Schools. Thereby, he committed contempt of court.”

32. The confession statement of A-4 / Shanmugam @ Lakshminarayanan categorically states as follows:-

“நான் அவர்களுக்கு சொத்துக்களை பாதுகாத்து தரவேண்டி சென்னை உயர்நீதிமன்றத்தில் தடையாணை பெற்று கொடுத்து தடுத்துவிடலாம் என்ற முயற்தியில் இறங்கினேன். ஆனால் நான் நினைத்தப்படி தடையாணை பெறமுடியவில்லை. அதனால் நான் கடந்த மார்ச் மாதம் பல பேர்களிடம் ஆலோசனைகள் கேட்டேன். முடிவில் அந்தியூரை சேர்ந்த எனது நண்பர் அமுல்ராஜ் என்பவர் கூறிய யோசனைகள் படி கோர்ட்டில் பெறப்படும் தடையாணைகளின் நகல்களை பார்த்து அதை போலவே பெயர் தேதி மற்றும் இடங்களை மாற்றி நீதிமன்ற தடையாணை போலவே ஒரு வெள்ளைத் தாளில் ரெடி பண்ணி கொடுத்து வீட்டை காலி செய்வதை தடுத்துவிடலாம் என முடிவு செய்து முருகானந்தம், சுந்தரம், அங்கமுத்து ஆகியோர்களை கேட்டு அவர்களும் சரியென்று சொல்லவே பழைய கோர்ட் ஆர்டர் நகல்களை எடுத்துக் கொண்டு பவானியில் இயங்கி வரும் டிஜிட்டல் நெட் என்ற கடையில்



பொடுத்து டைப் செய்து தரச் சொன்னேன். அந்த கடையில் வேலை செய்த பெண் ஒருவர் அது என்னவென்று தெரியாமலேயே நான் சொன்னவாறு அவற்றினை டைப் செய்து கொடுத்தார். அவ்வாறு தயார் செய்த தடையாணை பேப்பர்களில் நான் தான் நீதிமன்ற பதிவாளரின் கையொப்பம் போல கையொப்பம் செய்தேன். பின்பு பழைய கோர்ட் உத்தரவு ஜெராக்ஸ் நகலில் உள்ள சீல்களில் உள்ள தேதிகளையும் நெம்பர்களையும் ஓயிட்னர் வைத்து அளித்து வேறு தேதி மற்றும் நெம்பர்களை எழுதி ஜெராக்ஸ் எடுத்து அந்த போலி ஆர்டர்களில் ஜெராக்ஸ் எடுத்து அதை உண்மையானது போல பார்த்தால் சந்தேகம் வராத வகையில் தயார் செய்தேன். இதம் போலி தடையாணைகளை ஂன்று தயாரித்து முருகானந்தம், சுந்தரம், அங்கமுத்து ஆகிய ஂன்று பேரிடமும் நான் கொடுத்தேன்.”

33. We have carefully considered the Status Reports filed by the CBCID, confession statements relied on by the Police and also the Forensic Laboratory Report.

34. In view of the fact that the High Court interim orders have been fabricated and produced before the Execution Court to prevent the Court Amin from executing the Civil Court decree and the nature of the offence committed by the perpetrators is serious in nature, interfering with the



administration of justice. It is sufficient for the High Court to take cognizance if a *prima facie* case has been made out. Trials in such nature of cases are not required, since the reports of the CBCID, the confession statement and the forensic laboratory report furnished before this Court would be sufficient to form an opinion regarding the involvement of the Contemnor Nos.3, 4 and 7.

35. In the case of ***Pritam Pal Vs. High Court of Madhya Pradesh*** reported in ***1993 Suppl (1) SCC 529***, the Hon'ble Apex Court has held as follows:-

“29. Reference also may be had to a decision of the Division Bench of the Bombay High Court in State of Bombay v. 'P' (1958) 60 Bom. LR 873, wherein it has been held that the jurisdiction which each Judge of the High Court possesses and uses as constituting a Court of Record is a jurisdiction which is inherent in the Court itself for punishment for contempt of court, whether it is ex facie the Court or otherwise and that for the exercise of that jurisdiction it is not necessary to refer either to the letters patent or the Rules framed by the Court thereunder and that it is a jurisdiction



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which is being exercised in the same manner as was exercised in the Court of King's Bench Division in England.

30. The special feature of the procedure to be followed in a contempt proceeding is the summary procedure which is recognised not only in India but also abroad.

37. The power under Articles 129 and 215 is a summary power as held in the cases of Sukhdev Singh Sodhi v. Chief Justice and Judges of the PEPSU High Court (1954 SCR 454), C.K. Daphtary v. O.P.Gupta ((1971) 1 SCC 626) and in Hira Lal Dixit v. State of U.P. (AIR 1954 SC 743). ”

36. In the decision reported in **(2021) 1 SCC 745 (In Re : Prasant Bhushan and anr)**, the Hon'ble Apex Court has made the following observations:-

“18. From the perusal of various judgments of this Court, including those of the Constitution Benches, it could be seen, that the source of power of this Court for proceeding for an action of contempt is Under Article 129. It has further been held, that power of this Court to initiate contempt is not in any manner limited by the provisions of the Contempt of Courts Act, 1971. It has been held, that the Court is vested with the constitutional powers to deal with the contempt and Section 15 is not the source of the power to issue notice for



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contempt. It only provides the procedure in which such contempt is to be initiated. It has been held, that insofar as suo motu petitions are concerned, the Court can very well initiate the proceedings suo motu on the basis of information received by it. The only requirement is that the procedure as prescribed in the judgment of P.N.Duda (supra) has to be followed. In the present case, the same has undoubtedly been followed. It is also equally settled, that as far as the suo motu petitions are concerned, there is no requirement for taking consent of anybody, including the learned Attorney General because the Court is exercising its inherent powers to issue notice for contempt. It is equally well settled, that once the Court takes cognizance, the matter is purely between the Court and the contemnor. The only requirement is that, the procedure followed is required to be just and fair and in accordance with the principles of natural justice. In the present case, the notice issued to the alleged contemnors clearly mentions the tweets on the basis of which the Court is proceeding suo motu. The alleged contemnor No.1 has also clearly understood the basis on which the Court is proceeding against him as is evident from the elaborate affidavit- in-reply filed by him.”



37. The principles in contempt proceedings and the summary proceedings to be followed are considered by the Hon'ble Apex Court in the decision reported in **(2001) 5 SCC 501 (In Re : Bineet Kumar Singh)** wherein the following observations are made:-

“6. The law of contempt of court is essentially meant for keeping the administration of justice pure and undefiled. It is difficult to rigidly define contempt. While on the one hand, the dignity of the court has to be maintained at all costs, it must also be borne in mind that the contempt jurisdiction is of a special nature and should be sparingly used. The Supreme Court is the highest court of record and it is charged with the duties and responsibilities of protecting the dignity of the court. To discharge its obligation as the custodian of the administration of justice in the country and as the highest court imbued with supervisory and appellate jurisdiction over all the lower courts and tribunals, it is inherently deemed to have been entrusted with the power to see that the stream of justice in the country remains pure, that its course is not hindered or obstructed in any manner, that justice is delivered without fear or favour. To discharge this obligation, the Supreme Court has to take cognizance of the deviation from the path of justice. The sole object of the court wielding its power to punish for contempt is always for the course of



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administration of justice. Nothing is more incumbent upon the courts of justice than to preserve their proceedings from being misrepresented, nor is there anything more pernicious when the order of the court is forged and produced to gain undue advantage. Criminal contempt has been defined in Section 2(c) to mean interference with the administration of justice in any manner. A false or misleading or a wrong statement deliberately and wilfully made by a party to the proceedings to obtain a favourable order would undoubtedly tantamount to interference with the due course of judicial proceedings. When a person is found to have utilised an order of a court which he or she knows to be incorrect for conferring benefit on persons who are not entitled to the same, the very utilisation of the fabricated order by the person concerned would be sufficient to hold him/her guilty of contempt, irrespective of the fact whether he or she himself or herself is the author of fabrication. On the aforesaid parameters, it would be necessary to examine whether it can be said that Mrs.Megha Rude can be held to be guilty of contempt. In view of our conclusion on the basis of materials available in the enquiry proceedings with regard to the role played by Mrs.Megha Rude, we have no hesitation to come to the conclusion that Mrs.Megha Rude is guilty of gross criminal contempt and must be suitably punished for the



same.”

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38. In the case of ***B.N.Shivanna Vs. Advanta India Limited and anr.*** reported in ***(2011) 4 SCC 216*** the Hon'ble Apex Court has made the following observations:-

“17. However, in Amicus Curiae v. Prashant Bhushan (2010) 7 SCC 592, this Court has considered the earlier judgments and held that in a rare case, even if the cognizance deemed to have been taken in terms of the Supreme Court Rules, without the consent of the Attorney General or the Solicitor General, the proceedings must be held to be maintainable in view of the fact that the issue involved in the proceedings had far-reaching greater ramifications and impact on the administration of justice and on the justice delivery system and the credibility of the court in the eyes of general public than what was under consideration before this Court in the earlier cases.

21. It is evident from the evidence on record that the appellant had been the beneficiary of fraud alleged in these cases. Therefore, in view of the law referred to hereinabove, he is guilty of committing contempt of court. The appellant had been an employee of the respondent Company and because of that relationship he had been retained as an



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advocate and he has a duty towards his clients to behave in an appropriate manner and to protect the dignity of the court.

The conduct of the appellant has been reprehensible and it is tantamount to as if the fence established to protect the crop starting to eat the crop itself. Thus, such misconduct has to be dealt with, with a heavy hand.”

39. We are satisfied with reference to the *prima facie* case made out against the above Contemnors. Though Contemnor Nos.1 and 2 also involved, since they died, offence against them abated. As far as the Contemnor Nos.3, 4 and 7 are concerned, their involvement in preparation of the bogus High Court interim orders is *prima facie* found by the investigating agency and even the forensic science laboratory report is also supporting the investigation made by the investigating agency.

40. As far as the Contemnor No.6 / P.Meiyappan is concerned, certain doubts have raised by this Court remain unanswered and since the criminal trial is pending, the allegations against the Contemnor No.6 may be dealt with by the trial Court during the course of trial.



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41. We have no hesitation in arriving at a conclusion that the Contemnor No.3 / M.Muruganandam, Contemnor No.4 / Shanmugam @ Lakshminarayanan and Contemnor No.7 / S.Amal Raj are liable for committing the criminal contempt of court for the preparation of bogus High Court interim orders and by producing the said orders, prevented the Execution Court from executing the Civil Court decree as confirmed by the First Appellate Court through the Court Amin.

42. Since it is a criminal contempt proceeding initiated Suo Motu by the High Court, the standard of strict proof required to convict the person under the penal law need not be considered. The High Court satisfies that the perpetrators have committed a fraud by creating fraudulent Court orders and if such incidents are brought to the notice of the High Court to its satisfaction, it would be sufficient to punish the persons by invoking the contempt jurisdiction.

43. In the present case, we are completely satisfied that against the Contemnor Nos.3, 4 and 7 materials are available on record for the purpose of punishing them.



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44. In view of the facts and circumstances, the Contemnor No.3 / M.Muruganandam, Contemnor No.4 / Shanmugam @ Lakshminarayanan and Contemnor No.7 / S.Amal Raj are sentenced to undergo Simple Imprisonment for a period of six months.

45. In view of the above, this Contempt Petition is disposed of.

[S.M.S.J.,] [V.S.G.J.,]
22.08.2024

Speaking order
Index : Yes
Neutral Citation : Yes

sri



Copy to:

- 1.The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.
- 3.The Inspector of Police,
B4, High Court Police Station,
Chennai - 600 104.



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Suo Motu Criminal Contempt Petition No.2493 of 2022
in W.P.No.22410 of 2018



S.M.SUBRAMANIAM.J.
AND
V.SIVAGNANAM.J.

sri

Suo Motu Criminal Contempt Petition No.2493 of 2022
in W.P.No.22410 of 2018

22.08.2024
[1/2]