



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CROCP No. 14 of 2018 (O&M)

Reserved on:- 24.09.2024

Date of Pronouncement:- 07.11.2024

Court on its own motion

...Petitioner

versus

Renuka Chopra

...Respondent

CORAM: *HON'BLE MR. JUSTICE SURESHWAR THAKUR*
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present:- Mr. R.S. Bains, Senior Advocate with Mr. Anmoldeep Singh
and Mr. Inderpal Singh Deol, Advocates
for the respondent-contemnor with contemnor in person

Mr. Ashok Aggarwal, Sr Advocate (Amicus Curiae) with
Mr. Viren Jain, Advocate

SUDEEPTI SHARMA, J.

1. The present contempt petition was initiated on the receipt of reference from the Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Kurukshetra for initiating contempt proceedings against the respondent-contemnor, vide its letter dated 20.04.2018, which was forwarded by the District and Sessions Judge, Kurukshetra, addressed to the Registrar General, Punjab and Haryana High Court, Chandigarh. The reference dated 20.04.2018 reads as under:-

"I have the honour to submit that case bearing FIR No. 52 dated 28.11.2017 is pending in the Court of the undersigned in which Advocate Renuka Chopra is accused of committing offences under Section 186, 188, 323,332, 353, 506 and 509 of the Indian Penal Code, 1860. On 30.11.2017, Advocate Renuka Chopra was produced as an accused before the undersigned.



Police moved an application seeking Judicial custody. Since the offences committed were non bailable, hence, notice of the bail application was given to learned APP for 01.12.2017 and she was remanded to Judicial custody for one day On-that-account, she had been nursing grudge against the undersigned and was looking for a chance to wreck vengeance. During the course of trial, she moved various applications which were dealt with in accordance with law but she was not satisfied with the same. (Copies of the applications alongwith reply and order made thereon are appended herewith for your kind perusal). Advocate Renuka Chopra also made frivolous complaint against the ahalmad of the court of the undersigned and copy of the complaint as well as reply to the same has been annexed herewith.

It is pertinent to mention here that the undersigned tendered resignation on 17.04.2018 from the post of Civil Judge (Junior Division) cum-Judicial Magistrate, First Class, Kurukshetra, Haryana, having been appointed as an Officer of Delhi Judicial Service vide Notification No. F6/15/2015-Judl./Vol. 11/Supdt law/411-416 dated 22.03.2018 and had been waiting for the acceptance of the resignation by the Hon'ble Punjab and Haryana High Court. It is to be brought to your kind notice that when the undersigned came to Court on 18.04.2018, staff attached to the Court intimated that Renuka Chopra, Advocate had made derogatory remarks and comments against the undersigned on Facebook. The screenshots were shown to the



undersigned by the staff members and the same are being reproduced hereinafter. Prints thereof (Annexure-I) have also been annexed herewith for your kind perusal in which extremely derogatory and demeaning language has been used by Advocate Renuka Chopra against the undersigned in order to wreck vengeance for one day Judicial remand which was done by the undersigned as per law. The revengeful attitude of Advocate Renuka Chopra is clear from the fact that she started posting defamatory and derogatory comments against the undersigned soon after the undersigned tendered resignation from the post of Civil Judge (Junior Division) cum-Judicial Magistrate First Class, Kurukshetra. The remarks clearly suggest the ill will and grudge harboured by Advocate Renuka Chopra against the undersigned for remanding her to one day Judicial custody.

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Harking back, it is also to be noted that Advocate Renuka Chopra is notorious for creating all kinds of nuisance and the same is also clear from news of Dainik Bhaskar dated November 27, 2017, ...

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Furthermore, on 21.7.2015, Advocate Renuka Chopra insulted and misbehaved with Shri Ajay Kumar, Judicial Magistrate First Class, Kurukshetra as well and he was also compelled to bring the untoward incident to the knowledge of the



then learned District and Sessions Judge, Kurukshetra. A copy of the order dated 21.7.2015 passed regarding the untoward incident and misbehavior committed at the hands of Advocate Renuka Chopra is annexed herewith. Hence, Advocate Renuka Chopra has a history of filing frivolous complaints and scandalous remarks not only against Subordinate Judiciary but against the Hon'ble Justice of High Court of Punjab and Haryana as evident on the link of youtube as <https://youtu.be/XYzdzgKO0uk>.

Due to the above stated conduct and defamatory remarks as well as derogatory comments made by Advocate Renuka Chopra not only against the undersigned but against the entire Subordinate Judiciary, the undersigned has been compelled to move the present complaint against her as it is not only against professional ethics but amounts to misconduct as per rules and procedure of Bar Council of Punjab and Haryana and amounts to criminal offence of defamation under Section 500 of Indian Penal Code, 1860 as well as for liability under Civil law. Hence, a perusal of the above said remarks and comments which have been posted by Advocate Renuka Chopra on Facebook clearly show that the same comes within the definition of "Criminal Contempt" as enshrined under Section 2(c) of the Contempt of Courts Act, 1971 as she has caused the publication by way of posting on a public platform like Facebook in order to scandalize and lower the authority as well as image of the undersigned as an individual and judiciary as a whole. Such disorderly conduct on the part of



Advocate Renuka Chopra has caused permanent damage to the institution of justice Administration. It is to be noted that Advocate Renuka Chopra has attributed improper conduct as well as scurrilous abuse against the undersigned and the entire judiciary by making scandalous, unwarranted and baseless imputation, which clearly amounts to scandalizing the Court. Hence, she is clearly liable to be proceeded against under Section 12 read with Section 2(c) and 15 of the contempt of Courts Act, 1971 for committing to protect the honour of Judicial Officers be initiated against Advocate Renuka Chopra to uphold the dignity and majesty of Courts and system of administration of justice.

Vide PUC-II, the District and Sessions Judge, Kurukshetra has forwarded a letter No. 398 dated 25.04.2018 of Ms. Neetu Nagar, Civil Judge (Jr.Divn.)-cum-Judicial Magistrate Ist Class, Kurukshetra which runs as under:-

"I have the honour to submit that the undersigned made reference against Advocate Renuka Chopra vide letter No. 384 dated 20.4.2018 and the present letter is in continuation of the same. It is to be brought to your kind notice that Advocate Renuka Chopra has been persistent in making derogatory, abusive and defamatory comments against the undersigned without any basis and with malice in order to wreck vengeance against the undersigned for sending her to judicial remand for one day as described in the reference dated 20.4.2018. It is further to be noted that it has been intimated by the staff attached to the Court of undersigned that Advocate Renuka Chopra



deleted the previous defamatory Facebook posts regarding which the undersigned has already made reference and posted a new post and the contents thereof are utterly defamatory and abusive in character and is a misuse of right to freedom of speech and expression on behalf of Advocate Renuka Chopra and shows her revengeful attitude against the undersigned...

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From a perusal of the previous comments posted by Advocate Renuka Chopra as well as pursuant comments posted by other persons known to her in connection with posts made by Advocate Renuka Chopra as described in the reference No. 384 dated 20.4.2018 as well as present reference, it is amply clear that there is actual malice behind the comments posted by Advocate- Renuka Chopra as she has not only posted false and disparaging statement about the conduct of undersigned in relation to sending her to judicial remand for one day but she took the help of a social media like Facebook for pursuing vendetta against the undersigned.

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It is further to be submitted that Advocate Renuka Chopra has been involved in not only maligning and defaming the reputation and image of the undersigned but has been involved in making scurrilous and unwarranted allegations against judicial officers as discussed in reference No. 384 dated 20.4.2018. It is also to be brought to your kind notice that Advocate Renuka Chopra has previously made a complaint against the predecessor of the



undersigned Sh. Amit Gautam, the then JMJC-cum-Civil Judge, Kurukshetra wherein she has alleged tht Sh. Amit Gautam has not followed the requisite procedure required under section 451 Cr.P.C. by not keeping coloured photographs of animals. Copy of the said complaint is annexed herewith for your kind perusal. Furthermore, Advocate Renuka Chopra made a scathing and revengeful attack by moving a complaint before learned District and Sessions Judge, Kurukshetra against the undersigned using extremely derogatory and defamatory language filled with ill will and malice just for satisfying, her vengeance against the undersigned thus causing damage to the reputation of the undersigned. Copy of the same is annexed hereto.

It is humbly prayed that proper action be initiated against Advocate Renuka Chopra so that persons like her to do not wreck vengeance against the Judicial Officers for passing legal order against them else there would be a state of chaos and fear amongst the Judicial Officers for passing appropriate orders against such errant and mischievous lawyers."

Attention of the authorities is invited to Section 2(c) which provides that Criminal Contempt' means the publication whether by words, spoken or ritten, or by signs, or by visible representations, or otherwise of any matter the doing of any other action 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."

Further, attention of the authorities is also invited to the provision of Rule 5 of the Contempt of Court (Punjab and Haryana) Rules, 1974 as contained in Chapter 7-H of High Court Rules and Order Volume-V, which is as under:-

"Rule 5(1): *Every reference relating to contempt of a Court Subordinate to High Court shall be scrutinized by the Registrar who shall place the same before the Chief Justice or any other Judge nominated by him in this behalf for obtaining orders after noting thereon the nature of the Contempt.*

(2)When any publication, application, letter on intimation received by post or otherwise calls for any action being taken under the Act by the High Court on its own motion, the matter shall be dealt with in the manner prescribed in sub-rule(1). In the case of criminal contempt of a subordinate Court, the Chief Justice or the Judge, as the case may be, may direct that the papers be sent to the Advocate-General of the State in which the subordinate Court is situate or to the Law Officer, if the subordinate Court is situated in the Union Territory of Chandigarh to move the High Court for taking action under the Act."

REPLY FILED BY THE RESPONDENT-CONTEMNOR

2. The respondent-contemnor has also filed her reply. The relevant portion of the same reads as under:-



“Page of FIR Register submitted as Annexure P-8. In this court FIR register, FIR No.52 of 2017, P.S. Women Kurukshetra has been mentioned at Sr.No.1 & 2 and FIR No.50 & FIR No.51, dated 26.11.2017 have been mentioned at Sr.No.4 & 5 respectively, which were shown to be received in the court on 07.12.2017 by JMIC Ms. Neetu Nagar by doing this they are trying to show that they have not received the FIR in back date while FIR No.52 of 2017 was received in back date and to hide this fact, a forged FIR register has been procured/ prepared. In actual, FIR No.50 & 51 dated 26.11.2017 were received in the court on the same day i.e. 26.11.2017 by learned Duty Magistrate Shri Manish Chahar, the then learned JMIC, Kurukshetra. From the court file of FIR No.51, JMIC Neetu Nagar has destroy the FIR No.51, which was received on 26.11.2017 and then managed new copy of FIR No.51 from police Station and shown to be received on 07.12.2017 by JMIC Neetu Nagar. Proofs are copy of DDR Register of P.S. Women, Kurukshetra (Annexure P-9 colly), Copy of FIR No.50, Copy of Statement U/s 164 of CR.P.C. in FIR No.50 (Annexure P-10 colly), Copy of FIR No.51 and Statement U/s 164 of Cr.P.C. in FIR No.51 (Annexure P-11 colly), copy of record of leave of JMIC Neetu Nagar & Duty Roster of JMIC Judges (Annexure P-12 colly), NOTE: 26.11.2017 was Sunday. Inspection application for all FIR Registers & report of Record Keeper of Lower courts (Annexure P-13 colly), application moved by the respondent and order dated 29.01.2018 (Annexure P-14 colly).

-JMIC has stopped the proceedings of the case to pass the time period,



so that CDR will be destroyed with passage of time.

.....FIR No.52 of 2017 received according to FIR register at 5:00 PM and 5:45 PM by JMIC Neetu Nagar while this time was the time of Duty Magistrate JMIC Mahish Chahar.

Neetu Nagar was doing the work related to the Women Police Station, Kurukshetra without Roster. According to Roster dated 21.11.2017 (Annexure P-15), Women Police Station was not allotted/assigned to JMIC Neetu Nagar and Order dated 30.11.2017 (Annexure P-16) and FIR Register (Annexure P-17 colly) are showing the indulgence of JMIC Neetu Nagar to work of Women Police Station without having any jurisdiction/ assignment and on Roster dated 02.05.2018 (Annexure P-18 colly). Women Police Station is allotted to JMIC Neetu Nagar, it proves that from 21.11.2017 to 01.05.2018, she was doing work without Roster.

In Affidavit of DSP Tanya Singh (Annexure P-19) filed in CRM-M- 26704 of 2018, DSP Tanya Singh has submitted false statement on page no.6 that they have submitted the desired CDR in the court of ADJ Gurvinder Kaur on 18.07.2018 while in actual on 18.07.2018 concerned case was not fixed in the court of ADJ Gurvinder Kaur but was in the court of District Judge Ms.Shalini Singh Nagpal (copy of cause list/case status (Annexure P-20) for transferring the same from the court of ADJ Gurvinder Kaur. Besides this case was never listed on 18.07.2018.

To save DSP Tanya Singh, ADJ Gurvinder Kaur passed a false order dated 05.11.2018 (Annexure P-21) that CDRs have been received in the court on 18.01.2018 while in actual respondent has



*filed the case on 15.03.2018 (copy of case status is (Annexure P-22).
Actually call detail never called by ADJ in CRA/81/2018, proof is
Annexure P-34.*

*To save DSP Tanya and ADJ Gurvinder Kaur, CJM Natasha
Sharma has done a series of crime, which has been explained in
previous reply and counter reply, in which it was mentioned with proof
that CJM Natasha Sharma has made four false and forged orders. Copy
of orders submitted in counter reply by the respondent. Now the
respondent is submitting some more proofs regarding that crime.
Proofs are Certified copy of cause list related with four false & forged
orders, (Annexure P- 23 colly), Report of JMIC Court regarding
summon dispatch register in reference of forged order dated
30.11.2017 (Annexure P-24 colly) and Report of Summon Branch
(Annexure P-25) and false & forged summons received report by ASI
Saroj Bala (Annexure P-26), Nakal form for Cause list dated
30.11.2018 and Report (Annexure P-27 colly).*

*-Submitted forged and false CDR preservation report and
satisfaction report in CRM-M-26704 of 2018.*

*Preservation Letter regarding CDR of Airtel phone numbers proved
false. The letter of Airtel starting from Airtel and ending at Thanks
Reliance Jio (Annexure P-28)*

*1. DSP Tanya Singh has given false affidavit before Hon'ble High Court
in CRM-M-26704 of 2018 that CDR submitted on 18.07.2018 before
ADJ Gurvinder Kaur.*

*2. On 15.11.2018 (Annexure P-29 copy of order) in CRM-M-26704 of
2018 DSP Tanaya Singh has placed on record a letter dated 13.11.2018*



to the Nodal Officers to produce the CDRs in Court.

3. Nakal Report of High Court (Annexure P-30) showing that no letter dated 13.11.2018 of DSP Tanya Singh found in case file.

4. Letter dated 13.11.2018 of police officials submitted in the Status Report of CJM Amit Kumar Grover showing that police has written letter to Nodal Officers to preserve the call details (Annexure P- 31).

5. Statement of Nodal Officer of Airtel on oath in COMI/125 of 2019 titled as Renuka Chopra Versus State, stated that no CDR of Phone No.9896897077 has been preserved. (Annexure P-32).

6. Submitted total eight false statements in the form of Affidavits in case CRM-M26704 of 2018 in Hon'ble High Court.

(I) That on 27.11.2017, police has kidnapped the respondent and lodged a false case under section 107/151 of Cr.P.C. on the complaint of HC Parveen and sent the respondent in District Jail, Kurukshetra.

(ii) That on 28.11.2017, same police officials SI Parveen, HC Parveen & others have again kidnapped the respondent from Judicial Custody while the police has no order from any court to take the respondent in police custody from judicial custody.

(iii) Police has produced the respondent before Tehsildar, Thanesar on 28.11.2017 in police custody in the evening.

(iv) After granting the bail in case under section 107/151 of Cr.P.C. on 28.11.2017 at about 6:00 p.m., again police has tried to kidnap the respondent and police failed to show any F.I.R. & offence to other Advocates and due to which fail to kidnap the respondent.

(v) Police has lodged a false FIR No.52 of 2017, Women Police Station,



Kurukshetra and JMIC Neetu Nagar has received the said FIR in back date i.e. 28.11.2017 and made a forged court FIR register.

(vi) That District & Sessions Judge Shalini Singh Nagpal, was the Chairperson of District Jail, Kurukshetra and she passed an order that no need to take any action on the complaint of respondent regarding kidnapping from judicial custody.

(vii) That District Judge has not taken any action on the complaint of respondent regarding FIR No.52 of 2017; District Judge has treated the transfer case of CRA-81/2018 as a Trial Case, so that CDR is to be destroyed.

(vii) That after the written & oral complaint made to District Judge, CJM Natasha Sharma has made four forged orders.

(viii) That District & Sessions Judge forced the respondent to compromise the matter with the police and dismiss the transfer case filed by the respondent, in which respondent wants to transfer her case from the court of Ms.Gurvinder Kaur, the then ADJ, Kurukshetra to any other court..

Facts and all Allegations in the original contempt petition which are proved false with proof by the explanations of the respondent are followings

1. That Hon'ble High Court has received the complaint against respondent Renuka Chopra on 25-04-2018 and CROCP 14 of 2018 is registered on dated 12-11-2018 delay of 7 months to register the case is unexplained.

2. That On page No. 3 of the original contempt petition in Letter No. 384 dated 20-04-2018, JMIC Neetu Nagar has submitted the



following false statements.

2 (a). That due to Judicial Custody of one day Renuka Chopra Nursing Grudge against the JMIC Neetu Nagar.

Proofs:- *That order of custody was of dated 30-11-2017 and facebook post are from dated 17-04-2018.*

3. All applications of the respondent dealt with in accordance with law.

Proofs *(i) In order dated 29-01-2018 (On page No.67 in Contempt petition) JMIC has wrongly mentioned that Renuka Chopra has filed an application to insure that SPL Report may be taken on record on back date*

(ii) In order dated 29-01-2018 Prayer of the Renuka Chopra was to provide the certified copy of Challan and JMIC knowingly not receive the original copy of Challan even in the Court case file.

(iii) Knowingly JMIC has not receive the original SPL Report (Hand written FIR) because handwriting can be matched by expert with original papers and handwriting seems the proof from the series of proof of impersonation of ASI Babita.

(iv) That after the dated 29-01-2018 JMIC has knowingly stopped the proceeding of the case. After dated 29-01-2018 case was fixed for dated 12-02-2018 and on dated 12-02-2018 JMIC went on leave on dated 12-02-2018 and case fixed for dated 14-03-2018 case is adjourned to dated 02-04-2018 and on dated 02-04-2018 case is adjourned to dated 09-04-2018 and on dated 09-04-2018 case is adjourned to dated 16-04-2018 and on 16-04-2018 JMIC has knowingly seeking reply of the application repeatedly while reply is



already submitted on dated 29-01-2018 by the Police (Page No. 221 and 223 in the contempt petition) and on dated 16-04-2018 case is adjourned to dated 22-05-2018.

(v) That JMIC has conceal the reply by SI Parveen Kaur dated 09-04-2018 and not submitted in the original contempt petition. Note: Orders from dated 29-01-2018 to 16-04-2018 are submitted by JMIC in original Contempt petition in Annexure 2 on page No. 67 to 77. Phone companies kept the record of CDR for 11 year only.

4. *That Renuka Chopra made frivolous complaints against the Ahlmad.*

Proofs *(i) In Annexure-3 of the original contempt petition on Page No. 1 to 5 complaint of Ahlmad and order of JMIC has been submitted by JMIC. In this complaint of Ahlmad which is on Page No. 3 Renuka Chopra has move a complaint regarding not supply of the copy of FIR U/S 207 CRPS and no handwritten FIR was in the court file till dated 29-01-2018.*

(ii) In order on page No. 5 JMIC has written that the copy of Challan is supplied to Renuka Chopra on dated 19-01-2018 hence the complaint of the Ahlmad is proved totally false while in copy of Challan copy FIR is not attached and complaint was about concealment of documents by the Ahlmad. Copy of Challan is submitted in original competent petition on Page No. 21 to 65 and order dated 19-01-2018 is on Page No. 17. JMIC has knowingly written that Complaint of Ahlmad is proved false in order on Page No. 5 while in order dated 29-01-2018 on Page No. 67 of the contempt petition JMIC has written that SPL report may be taken on record on back date. Beside this JMIC has



written in last line that Renuka can move a application for FIR.

Note: (i) *Complaint of Ahlmad by Renuka Chopra and order of Neetu Nagar which are en Page No. 1 to 5 are like a act that if Renuka Chopra is asking to JMIC Neetu Nagar that what is your name and JMIC Neetu Nagar Replied that I am living in Delhi.*

(ii) *Till today original handwritten FIR is not in the court file and now it has been proved that JMIC and Ahlmad and other Co-Accused has made a forged Court FIR Register to receive the handwritten FIR in back date,*

5. *That JMIC Tendered resignation on dated 17-04-2018 and staff has shown facebook post by Renuka Chopra against the JMIC (me) on dated 18-04-2018.*

Proofs *That With this Allegation JMIC trying to show that Renuka Chopra has posted Facebook Post after the resignation Letter of dated 17-04-2018 due to th revenge of one day Judicial Custody on dated 30-11-2017 while Renuka Chop do not know about the resignation letter which was the internal proceeding of Judges and Renuka Chopra is not afraid from anyone and till the acceptance resignation officer is on her seat. Post are started from dated 17-04-2018 because on dated 16-04-2018 JMIC has passed an order on Page No. 13 of t contempt petition and sought the reply repeatedly of the application which reply is already submitted by the Police to only pass the time so that CDR destroyed.*

6. *That Prints of Facebook post Annexure-A from Page No. 1 to 41 in*

7. *That contempt petition and posted defamatory comments.*

Proofs

(i) *Facebook posts are not due to revenge but are truth about*



the harassment of Renuka Chopra by the Police officials and Judges.

(ii) On Page No. 13, 17, 21, 23, 25 in the contempt petition

Facebook posts are concealed with the help of write a comment option.

(iii) On Page No. 21 first post is incomplete which proves printout, scanning and tempering with the Facebook post because this type of screen shot is not possible from Facebook account.

8. *On Page No. 15 and 17 in the contempt petition JMIC has mentioned News Items about Renuka Chopra.*

Proofs *(i) How JMIC has time to collect the false News itmes about the Renuka Chopra.*

(ii) JMIC submitting the false News items while Renuka Chopra has submitted the applications in the court that on dated 27-11-2017 from 1:00 PM to 5:00 PM. I was in Police Custody in PS City Thanesar and case Under Section 107, 151 CRPS is registered that at 4:00 PM Renuka Chopra fighting with Head Constable Parveen at Braham Sarover and Prayed for preserve the call detail and Tower Location and CCTV Footage of PS City Thanesar etc.

Note:*(1) Today it has been proved that Police and Judges has destroyed the all desired CDR and CCTV Footage and original papers of the case file etc.*

9. *On Page No. 8 after the News item in the contempt petition JMIC submitted that Renuka Chopra misbehave with JMIC Ajay Kumar.*

Proofs *(i) That on Page No. 1 to 3 Report of JMIC Ajay Kumar Submitted by JMIC. In this Report its not mentioned that Renuka Chopra has misbehaved with the JMIC Ajay Kumar and mentioned*



that Renuka Chopra taking with Reader.

Note: (i) *In the evidence of cow Smuggler case Renuka Chopra went in Court and saying to the Reader that I can't come on the dated fixed for evidence because of some personal reasons and at that time no evidence are recorded in any case and Judge has called the Renuka Chopra again and start insulted regarding that Renuka Chopra has moved a complaint to District Judge Kurukshetra against the JMIC Ajay Kumar. JMIC Ajay Kumar has made a wrong and false story.*

(ii) *If Renuka Chopra has done the any wrong act then how can she went back in Court on calling of Judge. Only innocent person can obeyed the oral order.*

10. *On Page No. 19 JMIC has mentioned a you tube link and Renuka Chopra do not know what is opened in this link and Renuka Chopra has no You Tube Channel.*

11. *Act of Renuka Chopra are against professional ethics, misconduct and defamation and criminal contempt.*

Proofs (i) *Telling truth, do not tolerate the corruption of Court, telling truth for self defence and for public interest at large by telling the crime is not fall under the offence mentioned in Point No. 9*

12. *On Page No. 9 in the contempt petition JMIC has mentioned that Renuka Chopra has scandalise and lower the authority as well as image of the JMIC as an individual and Judiciary as a whole.*

Proofs (i) *This point is proving that authority/Police officials and other Judges are involved under criminal conspiracy and contempt petition is result of conspiracy.*



(ii) JMIC has accepted that the allegations are individually on the JMIC.

(iii) How can JMIC fight from the side of all Judiciary for other Judges and Supreme Court and High Court while they have not given any Power Attorney and complaints against Renuka Chopra to JMIC Neetu Nagar.

13. *On Page No. 10 JMIC has prayed for contempt proceedings against the Renuka Chopra to protect the honour of Judicial officers.*

Proofs *(i) In this JMIC is praying from the side of Judicial officers which is proving that this contempt petition is a result of conspiracy of Judges etc.*

Note: *(1) With same drafting, same pheras same wording with same News cuttings a letter was written by Sub Inspector Parveen Kaur to the Chairmen of the Bar Council Chandigarh with prayer to cancel the licence as an Advocate of the Renuka Chopra.*

(ii) With same drafting, same pheras same wording with same News cuttings and same wording, mischevious Advocate, contents are written by DSP Tanya Singh in reply/affidavit which is submitted in CRMM 26704 of 2018.

14. *That on dated 30-11-2017 Saroj Bala ASI appear before JMIC Neetu Nagar by Affixing the name plate of ASI Babita while mostly Illqua Magistrate and Court Staff recognized the Police officials of the Police Station allotted to them. On Page No. 367 in the contempt petition JMIC has submitted that Renuka Chopra has made a complaint against JMIC Amit Gautam and on Page NO. 369 written*



word mischievous lawyer for the Respondent Renuka Chopra.

Proofs:- (i) Complaint regarding Court of JMIC Amit Gautam is on Page Proofs No: 375 to 377 in the contempt petition in this complaint request is made by the respondent Renuka Chopra to follow the animals law and it was not complaint of JMIC Amit Gautam because animals are speechless and they have no money and no voice to hire the Advocate and that's why animals law are violating at every step by Public, by Police, by Advocates and by Judges.

Note: (1) Renuka is working for the welfare of animals from the last many years and has become an Advocate to fight for the rights of animals and filed a CWP 20529 of 2013 in which proofs of cow Smugglers and violation of animals law by the public and officers and Ministers and Gaushalas are involved in cow Smuggling submitted by the Renuka Chopra and Renuka Chopra has devoted her whole life for the animals who has no money, no fees and no voter bank and no vote and this type of person can't be mischievous person.

(2) Page No. 5 of the Annexure-3 of the contempt petition is knowingly black so that it may be difficult to read similarly Page No. 239 is also knowingly black in which Authority was submitted by Renuka Chopra that I.O is duty bound to collect the list of evidence from the side of accused and Interference by Court in investigation and clean hand.

CONTENTIONS OF THE AMICUS CURIAE AND LEARNED COUNSEL FOR THE RESPONDENT-CONTEMNOR

3. Learned senior counsel appearing for the respondent-contemnor contends as under:-



- (i) That the present criminal contempt petition was initiated on reference from Judicial Magistrate First Class, Kurukshetra who was initiating contempt proceedings against Ms Renuka Chopra, Advocate, by her letter dated April 20, 2018 addressed to The Registrar General, Hon'ble Punjab and Haryana High Court, Chandigarh. It was forwarded by the learned District and Session Judge, Kurukshetra on the same day.
- (ii). That the gist of the reference is that the young learned Magistrate felt that an equally young woman advocate is nursing a grudge against her because she had remanded her to judicial custody for one day in FIR 52 dated 28th of November 2017 wherein the young woman advocate is accused of committing offences under section 186, 188, 323, 332, 353, 506 and 509 of the Indian penal code. It is further stated that during the course of trial, the advocate moved various applications which were dealt in accordance with law but she was not satisfied with the same.
- (iii). That in the reference letter that advocate Ms. Renuka Chopra started posting defamatory and derogatory comments against the learned judge soon after the learned judge had tendered her resignation from the post of Civil Judge (Jr Division), Judicial Magistrate First Class, Kurukshetra. Thereafter some Facebook conversation between three persons including the contemnor advocate is reproduced.
- (iv). That the counter grievance of the young lady advocate (respondent-contemnor) was that on 27th of November 2017, she was abducted and a false case under section 107, 151 CrPC was registered and she was detained in Kurukshetra jail and next day on 28th of November 2017, she was again taken out of judicial custody by SHO Parveen and others. Earlier an attempt was made to kidnap her even when she was granted bail on 27th of



November 2017. She learned that a conspiracy was hatched to do her fake encounter on 28th of November 2017 while stating that after getting bail in case under section 107, 151 CrP Renuka Chopra came to police station with country made pistol and opened fire and as a result of return fire, she was killed in encounter. This was complaint dated 5th February 2018 addressed to the learned Session Judge Kurukshetra. Even though she demanded CCTV footage of the Kurukshetra jail, it was denied on the ground that Jail has backup of only 10 days of CCTV footage.

(v) That apparently, she (respondent-contemnor) had injuries on her body when Renuka Chopra was medically examined on the orders of the court dated 30th of November 2017 wherein it is clearly mentioned on the medical legal report, "alleged history of assault by police two times, Kurukshetra on dated 27th of November 2017 around 1- 2 PM and 5-7 PM." The medical examination done on December 1, 2017 at LNJP Hospital at Kurukshetra. Ten injuries blunt were found on her body within five days of the medical examination and therefore her allegation that she was beaten up by the police in custody on 27th of November 2017 is substantiated by the medical evidence conducted on the orders of the magistrate.

(vi) That a young lady advocate (respondent-contemnor) beaten by the policeman after abduction and unable to get any judicial relief is not an excuse to vent her anger and hurt at the judicial Magistrate more so when she had already resigned to take up the judicial service at Delhi. But it is equally true that inexperience of both the learned Magistrate and the lady advocate has led to this unfortunate situation where criminal contempt proceedings have been initiated leading to record of more than 700 pages.

(vii) That a little more sensitive Magistrate would have understood the



trauma suffered by the lady advocate (respondent-contemnor) and would have taken remedial action promptly in FIR 52 dated 28th of November 2017.

viii Mr. Ashok Aggarwal, learned senior counsel (Amicus Curiae) contends that the fault is academic judicial training given to judicial officers who without ever conducting any case in the Court, start functioning as a judicial magistrate with little idea of how to deal with practical situations of police versus citizen's conflict more so when it involves a sensitive woman.

OBSERVATIONS OF THE COURT

4. We have heard learned counsel for the parties and perused the whole record of the case.

i. All the Annexures along with reply are placed on record which is also seen by this Court. A perusal of the record further shows that FIR No. 412 dated 30.11.2012 was registered against the respondent-contemnor under Sections 323/186/504/506 IPC and Section 6-A of the Information and Technology Act, 2000 at police Station Sadar Thanesar and the learned Court of Mr. Arun Kumar, Judicial Magistrate 1st class, Kurukshetra acquitted the respondent-contemnor of the charges framed against her.

ii. FIR No. 52 dated 28.11.2017 in which the respondent-contemnor was accused of committing offences under Section 186, 188, 323, 332, 353, 506 and 509 of the Indian Penal Code, 1860, was registered and the police moved an application seeking her judicial custody. The above Sections reads as under:-

186. Obstructing public servant in discharge of public functions.

186. Obstructing public servant in discharge of public functions.--

Whoever voluntarily obstructs any public servant in the discharge



of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both (Non-cognizable, Bailable, Triable by any Magistrate-Non-compoundable). 188. Disobedience to order duly promulgated by public servant.- Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain Act or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, extend both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation:- It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration



An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

Para I: Cognizable-Bailable, Triable by any Magistrate-Non-compoundable. Para II: Cognizable-Bailable, Triable by any Magistrate-Non-compoundable.

323. Punishment for voluntarily causing hurt. *Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.*

(Non-cognizable Bailable-Triable by any Magistrate Compounded by the person to whom the hurt is caused).

332. Voluntarily causing hurt to deter public servant from his duty.- *Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.*

(Cognizable-Non-bailable, Triable by Magistrate of the first class-Non-compoundable).



353. Assault or criminal force to deter public servant from discharge of his duty:- *Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.*

(Cognizable-Non-bailable-Triable by any Magistrate-Non-compoundable).

506. Punishment for criminal intimidation:- *Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;*

If threat be to cause death or grievous hurt, etc. *And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [imprisonment for life), or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.*

Para I: (Non-cognizable- Bailable Triable by any Magistrate Compoundable by the person intimidated).

Para II: (Non-cognizable Bailable Triable by Magistrate of the first class-Compoundable by the person intimidated)



509. Word, gesture or act intended to insult the modesty of a woman:-

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, ¹[shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.]

(Cognizable-Bailable Triable by any Magistrate Compoundable by the woman whom it was intended to insult or whose privacy was intruded upon with the permission of the court)

(iii) Consequently, the respondent-contemnor was remanded to judicial custody, vide order dated 30.11.2024 and the zimini orders reads as under:-

*Present:- Ms. Neha Mital, APP for the State.
Accused Renuka Chopra in custody represented
by Sh Sanjay Walia, Advocate.*

Above-named accused produced before me in custody being Illaqa Magistrate. Judicial remand sought. Heard. Accused has been arrested as per law. Check list has also been prepared and appended with the papers. Pending investigation. Accused is remanded to judicial custody and be produced before Court on 13.12.2017

However, an application for bail of accused through counsel has been moved. Lei, notice of this bail application be given to learned APP for 01.12.2017.



(Neetu Nagar)

JMIC, KKR,

UID No. HR0380

Date of order: 30.11.2017

Renu, Stenographer-11

Next Date:01.12.2017

Purpose. Notice of bail application

*Present: Ms. Neha Mittal, APP for the State
Sh. Sanjay Walia, Advocate for accused.*

At this stage, learned defence counsel has requested that medico-legal examination of the accused be conducted as the police officials after having arrested the accused gave severe beatings to her in police custody before producing her in the Coun. Heard. Taking into consideration the request of learned defence counsel as well as in the interest of justice, the concerned Jail Superintendent, Kurukshetra is directed to get the medico-legal examination of the applicant conducted forthwith. Furthermore, the copy of MLR be also furnished to the accused. A copy of this order be forwarded to the Jail Superintendent, Kurukshetra.

(Neetu Nagar)
JMIC, KKR,
UID No. HR0380

Date of Order:-30.11.2017

iv. The respondent-contemnor could challenge the order dated 30.11.2017 whereby she was remanded to Judicial custody instead of posting the allegations against the judicial officer.

v. A perusal of the reference further shows that Ms. Neetu Nagar, the



then Civil Judge (Jr.Divn.)-cum-Judicial Magistrate Ist Class, Kurukshetra tendered her resignation on 17.04.2018 from the post of Civil Judge (Jr.Divn.)-cum-Judicial Magistrate Ist Class, Kurukshetra, having been appointed as Officer of Delhi Judicial Civil Services and was waiting for her resignation to be accepted by this Court. On 18.04.2018, the staff attached to the Court of Ms. Neetu Nagar, the then Civil Judge (Jr.Divn.)-cum-Judicial Magistrate Ist Class, Kurukshetra intimated her that the respondent-contemnor had made derogatory remarks and comments against her, which is read and seen by this Court.

vi. A perusal of the record shows that the complaint dated NIL was made by the respondent-contemnor against Ms. Neetu Nagar, the then Civil Judge (Jr. Divn.)-cum-Judicial Magistrate Ist Class, Kurukshetra to District and Sessions Judge, Kurukshetra. This Court, vide order dated 23.07.2018 called for the latest status of the complaint made by the respondent-contemnor against Ms. Neetu Nagar, the then Civil Judge (Jr.Divn.)-cum-Judicial Magistrate Ist Class, Kurukshetra. The latest status report was sent to this Court that the complaint was filed by District and Sessions Judge, Kurukshetra on the ground that Ms. Neetu Nagar, the then Civil Judge (Jr. Divn.)-cum-Judicial Magistrate Ist Class, Kurukshetra resigned from the services.

vii. A perusal of the written synopsis submitted by learned Amicus Curiae shows that the respondent-contemnor was time and again harassed by the police officials, since her MLR which has been placed on record shows different kinds of injuries suffered by her.

viii. This Court is of the view that the complaint made by the respondent-contemnor should not have been filed by the District and



Sessions Judge, Kurukshetra and justice demands that it should have been dealt with and the respondent-contemnor should have been heard. Since we interacted with the respondent-contemnor, we observed that this is one of the reason that respondent-contemnor has lost her faith in the judicial system and is apprehending that she would never be heard, if she has any grievance against the judicial officers/police officers.

ix. A perusal of the record as well as written synopsis submitted by learned Amicus Curaie shows that the respondent-contemnor was facing too much of harassment under different circumstances. Though the conduct of the respondent-contemnor is highly condemnable but the same could have been avoided.

5. Reference at this stage can be made to judgment of Hon'ble the Supreme Court in a case of ***Rustam Cawasjee Cooper vs. Union of India, 1970 (2) SCC 298***. The relevant para of the judgment reads as under:-

6. There is no doubt that the Court like any other institution does not enjoy immunity from fair criticism. This Court does not claim to be always right although it does not spare any effort to be right according to the best of the ability, knowledge and judgment of the Judges. They do not think themselves in possession of all truth or hold that wherever others differ from them, it is so far error. No one is more conscious of his limitations and fallibility than a Judge but because of his training and the assistance he gets from learned counsel he is apt to avoid mistakes more than others. Further the supremacy of a legislature under a written Constitution is only within what is in its power but what is



within its power and what is not, when any specific act is challenged, it is for the Courts to say. If that were realised much of the misunderstanding would be avoided and the organs of Government would function truly in their own spheres. We are constrained to say also that while fair and temperate criticism of this Court or any other Court even if strong, may not be actionable, attributing improper motives, or tending to bring Judges or Courts into hatred and contempt or obstructing directly or indirectly with the functioning of Courts is serious contempt of which notice must and will be taken. Respect is expected not only from those to whom the judgment of the Court is acceptable but also from those to whom it is repugnant. Those who err in their criticism by indulging in vilification of the institution of Courts, administration of justice and the instruments through which the administration acts, should take heed for they will act at their own peril. We think this will be enough caution to persons embarking on the path of criticism. With these words, we order the papers to be filed.”

6. Reference can further be made to a judgment of Hon’ble the Supreme Court in a case of ***S. Mulgaokar vs. S. Mulgaokar, 1978 (3) SCC 339***. The relevant portion of the judgment reads as under:-

“M.H. Beg, C.J.I.,

8. The writer of an article of a responsible newspaper on legal matters is expected to know that there is no constitutional safeguard or provision relating to the independence of the



judiciary which could possible prevent Judges themselves meeting to formulate a code of judiciary ethics or the constitute a committee to formulate a code of judicial ethics and etiquette. This is what was suggested to Chief Justices of High Courts. Indeed, in America, the American Bar Association has formulated a code of this kind. None has been formulated so far in this country. A purported enactment which tried to prevent Judges form meeting and formulating such a code of ethics and etiquette, so as to be clear about points on which, at times, there is uncertainty in the minds of Judges themselves, would not be valid. Such a purported law would offend against Article 19 (1) (a) of the Constitution. Neither our Constitution nor our law, could conceivably be infringed if Judges were to meet to devise means to prevent situations arising in which an accusing finger could be raised against the conduct of a judge, whether inside or outside the Court, let alone involving constitutional provisions of Article 124 for his removal after an enquiry by a body constituted under the Judges Inquiry Act, 1968. A code of this kind, if scrupulously observed by all the Judges, could only enhance their independence and prestige and no injure these in any way whatsoever.

16. The judiciary cannot be immune from criticism, but, when that criticism is based on obvious distortion or gross misstatement and made in a manner which seems designed to lower respect for the judiciary and destroy public confidence in it, it cannot be ignored. I am not one of those who think that an action



for contempt of Court, which is discretionary, should be frequently or lightly taken. But at the same time, I do not think that we should abstain from using this weapon even when its use is needed to correct standards or behaviour in a grossly and repeatedly erring quarter. It may be better in many cases for the judiciary to adopt a magnanimously charitable attitude even when utterly uncharitable and unfair criticism of its operations is made out of bona fide concern for improvement. But, when there appears some scheme and a design to bring about results which must damage confidence in our judicial system and demoralize Judges of the highest court by making malicious attack, any one interested in maintaining high standards of fearless, impartial, and unbending justice will feel perturbed. I sincerely hope that my own undisguised perturbation at what has been taking place recently is unnecessary. One may be able to live in a world of Yogic detachment when unjustified abuses are hurled at one's self personally, but when the question is of injury to an institution, such as the highest Court of justice in the land, one cannot overlook its effects upon national honour and prestige in the comity of nations. Indeed, it becomes a matter deserving consideration of all serious minded people who are interested in seeing that democracy does not flounder or fail in our country.

If fearless and impartial courts of justice are the bulwark of a healthy democracy, confidence in them cannot be permitted to be impaired by malicious attacks upon them. However, as we have not proceeded further in this case, I do not think it would be fair



to characterise anything written or said in the India Express as really malicious or ill-intentioned and I do not do so. We have recorded no decision on that although the possible constructions on what was written there have been indicated above.

17. My opinion on matters touched by my learned brother Krishna Iyer is that, although, the question whether an attack is malicious or ill intentioned, may be often difficult to determine, yet, the language in which it is made, the fairness, the factual accuracy, the logical soundness of it, the care taken in justly and properly analysing the materials before the maker of it, are important considerations. moreover, in judging whether it constitutes a contempt of Court or not we are concerned more with the reasonable and probable effects of what is said or written than with the motives lying behind what is done. A decision on the question whether the discretion to take action for contempt of Court should be exercised in one way or the other must depend on the totality of facts and circumstances.

Krishna Iyer, J

23. The contempt power, though jurisdictionally large, discretionary in its unsheathed exercise. Every commission of contempt need not erupt in indignant committal or demand punishment, because judges are judicious, their valour non-violent and their wisdom goes into action when played upon by a volley of values, the least of which is personal protection for a wide discretion, range of circumspection and rainbow of public considerations benignantly guide that power. Justice is not



hubris; power is not petulance and prudence is not pusillanimity, especially when judges are themselves prosecutors and mercy is a mark of strength, not whimper of weakness. Christ and Gandhi shall not be lost on the judges at a critical time when courts are on trial and the people ("We, the People of India") pronounce the final verdict on all national institutions. Such was the sublime perspective, not plural little factors, that prompted me to nip in the bud the proceeding started for serving a larger cause of public justice than punitive action against a publisher, even assuming (without admitting) he was guilty. The preliminary proceeding has been buried publicly; let it lie in peace. Many values like free press, fair trial, judicial fearlessness and community confidence must generously enter the verdict, the benefit of doubt, without absolutist insistence, being extended to the defendant. Such are the dynamics of power in this special jurisdiction. These diverse indicators, carefully considered, have persuaded me to go no further, by a unilateral decision of the bench. This closure has two consequences. It puts the lid on the proceedings without pronouncing on the guilt or otherwise of the opposite parties. In a quasicriminal action, a presumption of innocence operates. Secondly, whatever belated reasons we may give for our action, we must not proceed to substantiate the accusation, if any. To condemn unheard is not fairplay. Body line bowling, perhaps, is not cricket. So my reasons do not reflect on the merits of the charge.



24. Poise and peace and inner harmony are so quintessential to the judicial temper that huff, 'haywire' or even humiliation shall not besiege; nor unveracious provocation, frivolous persiflage nor terminological inexactitude throw into palpitating tantrums the balanced cerebration of the judicial mind. The integral yoga of shanti and neeti is so much the cornerstone of the judicial process that criticism, wild or valid, authentic or anathematic, shall have little purchase over the mentation of the Court. I quite realise how hard it is to resist, with sage silence, the shafts of acid speech; and, how alluring it is to succumb to the temptation of argumentation where the thorn, not the rose, triumphs. Truth's taciturn strategy, the testimony of history says, has a higher power than a hundred thousand tongues or pens. In contempt jurisdiction, silence is a sign of strength since our power is wide and we are prosecutor and judge.

27. The first rule in this branch of contempt power is a wise economy of use by the Court of this branch of its jurisdiction. The Court will act with seriousness and severity where justice is jeopardised by a gross and/or unfounded attack on the judges, where the attack is calculated to obstruct or destroy the judicial process. The court is willing to ignore, by a majestic liberalism, trifling and venial offenses - the dogs may bark, the caravan will pass. The court will not be prompted to act as a result of an easy irritability. Much rather, it shall take a noetic look at the conspectus of features and be guided by a constellation of constitutional and other considerations when it chooses to use, or



desist from using, its power of contempt.

28. The second principle must be to harmonies the constitutional values of free criticism, the fourth estate included, and the need for a fearless curial process and its presiding functionary, the judge A happy balance has to be struck, the benefit of the doubt being given generously against the judge, slurring over marginal deviations but severely proving the supremacy of the law over pugnacious, vicious, unrepentant and malignant condemners, be they the powerful press, gang-up of vested interests, veteran columnists or olympian establishment arians. Not because the judge, the human symbol of a high value, is personally armored by a regal privilege but because 'be you – the condemner - ever so high, the law - the People's expression of Justice - is above you. Curial courage overpowers arrogant might even as judicial benignity forgives errant or exaggerated critics. Indeed, to criticise the judge fairly, albeit fiercely, is no crime but a necessary right, twice blessed in a democracy. For, it blesseth him that gives and him that takes. Where freedom of expression, fairly exercised, sub-serves public interest in reasonable measure, public justice cannot gag it or manacle it, constitutionally speaking. A free people are the ultimate guarantors of fearless justice. Such is the cornerstone of our Constitution; such is the touchstone of our Contempt power, oriented on the confluence of free speech and fair justice which is the scriptural essence of our Fundamental Law. Speaking of the social philosophy and philosophy of law in an integrated manner



as applicable to contempt of court, there is no conceptual polarity but a delicate balance, and judicial 'sapience' draws the line. As it happens, our Constitution-makers foresaw the need for balancing all these competing interests. Section 2 (1) (c) of the Contempt of Courts Act, 1971 provides:

"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."

This an extremely wide definition. But, it cannot be read apart from the conspectus of the constitutional provisions within which the Founding Fathers of the Constitution intended all past and future statutes to have meaning. All laws relating to contempt of court had, according to the provisions of Article 19 (2), to be "reasonable restrictions" on the exercise of the right of free speech. The courts were given the power - and, indeed the responsibility - to harmonise conflicting aims, interests and values. This is in sharp contrast to the Phillimore Committee report on Contempt of Court in the United Kingdom (1974) bund. 5794 prs. 143-5 pp. 61-2) which did not recommend the defence of public interest in contempt cases.

29. The third principle is to avoid confusion between personal protection of a libelled judge and prevention of obstruction of public justice and the community's confidence in that great



process. The former is not contempt, the latter is, although overlapping spaces abound.

30. Because the law of contempt exists to protect public confidence in the administration of justice, the offence will not be committed by attacks upon the personal reputation of individual judges as such. As Professor Goodhart has put it:

"Scandalising the court means any hostile criticism of the judge as judge; any personal attack upon him, unconnected with the office he holds, is dealt with under the ordinary rules of slander and libel."

(See 'Newspapers and Contempt of Court' (1935) 48, Harv LR 885, 898). Similarly, Griffith, C.J. has said in the Australian case of Nicholls ((1911) 12 CLR 280, 285) that :

"In one sense, no doubt, every defamatory publication concerning a judge may be said to bring him into contempt as that term is used in the law of libel, but it does not follow that everything said of a Judge calculated to bring him into contempt in that sense amounts to contempt of Court." Thus In the matter of a Special Reference from the Bahama Islands ((1893) AC 138) the Privy Council advised that a contempt had not been committed through a publication in the Nassau Guardian concerning the resident Chief Justice, who had himself previously criticised local sanitary conditions. Though couched in highly sarcastic terms the publication did not refer to the Chief Justice in his official, as opposed to personal, capacity. Thus while it might have been a libel it was not a contempt.



31. *The fourth functional canon which channels discretionary exercise of the contempt power is that the Fourth estate which is an indispensable intermediary between the State and the people and necessary instrumentality in strengthening the forces of democracy, should be given free play within responsible limits even when the focus of its critical attention is the court, including the highest Court.*

32. *The fifth normative guideline for the judges to observe in this jurisdiction is not to be hypersensitive even where distortions and criticisms overstep the limits, but to deflate vulgar denunciation by dignified bearing. condescending indifference and repudiation by judicial rectitude.*

33. *The sixth consideration is that, after evaluating the totality of factors, if the court considers the attack on the judge or judges scurrilous, offensive, intimidatory or malicious beyond condonable limits, the strong arm of the law must, in the name of public interest and public justice, strike a blow on him who challenges the supremacy of the rule of law by fouling its source and stream.*

37. *A quick flashback to English decisions also is instructive. As early as 1900 in Queen v. Gray, ((1900)2 QBD 36) Gray published in a newspaper an article which was "personal scurrilous abuse of a judge as a judge." Lord Russel of Killown C. J. observed :*

"It is not to much to say that it is an article of scurrilous abuse of a judge in his character of a judge - scurrilous abuse in reference



to the conduct of the judge while sitting under the Queen's Commission, and scurrilous abuse published in a newspaper in the town in which he was still sitting under the Queen's Commission. It cannot be doubted - indeed it has not been argued to the contrary by the learned counsel who represents Howard Alexander Gray that the article does constitute a contempt of Court; but, as these applications are, happily, of an unusual character, we have thought it right to explain a little more fully than in perhaps necessary what does constitute a contempt of Court, and what are the means which the law has placed at the disposal of the Judicature for checking and punishing contempt of Court. Any act done or writing published calculated to bring a Court or a judge of the Court into contempt, or to lower his authority, is a contempt of Court. That is one class of contempt. Further, any act done or writing published calculated to obstruct or interfere with the due course of justice or the lawful process of the Courts is a contempt of Court. The former class belongs to the category which Lord Hardwicke L. C. characterised as "scandalising a Court or a Judge."

The learned Law Lord, however, indicated a guideline which is extremely important:

"Judges and Courts are alike open to criticism, and if reasonable argument or expostulation is offered against any judicial act as contrary to law or the public good, no Court could or would treat that as contempt of Court. The law ought not to be astute in such



cases to criticise adversely what under such circumstances and with such an object is published; but it is to be remembered that in this matter the liberty of the press is no greater and no less than the liberty of every subject of the Queen. Now, as I have said, no one has suggested that this is not a contempt of Court and nobody has suggested, or could suggest that it falls within the right of public criticism in the sense I have described. It is not criticism: I repeat that it is personal scurrilous abuse of a judge as a judge....."

(emphasis, added)

The tone of R. v. Gray (supra) sharply contrasted with the much more liberal tone adopted by the Privy Council in McLeod v. St. Aubyn, ((1899) AC 549) even though certain aspects of the latter decision assume a somewhat imperialist tone. Dr. Rajeev Dhavan has observed :

"For some strange reason the Privy Council judgment was neither referred to by the Chief Justice or even cited to the Court even though a time lag of nine months separates the two judgments". See R. Dhavan: "Contempt of Court and the Phillimore Committee Report" (1976) 5 Anglo American Law review 186 at 205.

A harmonious blend and a balanced co-existence of a free press and fearless justice desiderate that the law ought not to be too astute in such cases and that public criticism has a part of play, even if it oversteps the limit, in preserving the democratic health of public institutions. But beyond a point, the wages of contempt



is committal.

38. *In Ambard v. Attorney-General for Trinidad (1936 AC 322)* the Privy Council pronounced on a case of public criticism of the administration of justice. Lord Atkin stated, with admirable accuracy, the law on this branch of contempt of Court:

"But where the authority and position of an individual judge, or the due administration of justice, is concerned, no wrong is committed by any member of the public who exercises the ordinary right of criticising, in good faith, in private or public, the public act done in the seat of justice. The path of criticism is a public way: the wrong headed are permitted to err therein: provided that members of the public abstain from imputing improper motives of those taking part in the administration of justice, and are genuinely exercising a right of criticism, and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful, even though outspoken comments of ordinary men."

Indeed, Lord Morris in Meeleod v. St. Aubyn (supra) has commented: "Courts are satisfied to leave to public opinion attacks or comments derogatory or scandalous to them. But it must be considered that in small colonies, consisting principally of colored populations, the enforcement in proper cases of committal for contempt of Court for attacks on the Court may be absolutely necessary to preserve in such a community the dignity of and respect for the Court."



40. *A very valuable and remarkable fresh approach to this question of criticism of Courts in intemperate language and invocation of contempt of court against the condemner, a person of high position, is found in Regina v. Metropolitan Police Commissioner ex. p. Blackburn ((1968) 2 WLR 1204). Lord Denning's judgment is particularly instructive in the context of the obnoxious comments made by Quintin Hogg in an article in the "Punch" about the members of the Court of Appeal. The remarks about the Court of Appeal were highly obnoxious and the barbed words thrown at the judges obviously were provocative. Even so, in a brief but telling judgment, Lord Denning held this not to be contempt of court. It is illuminating to excerpt a few observations of the learned judge:*

"This is the first case, so far as I know, where this Court has been called on to consider an allegation of contempt against itself. It is a jurisdiction which undoubtedly belongs to us but which we will most sparingly exercise: more particularly as we ourselves have an interest in the matter.

Let me say at once that we will never use this jurisdiction as a meanse to uphold our own dignity. That must rest on surer foundations. Nor will we use it to suppress those who speak against us. We do not fear criticism, nor do we resent it. For there is something far more important at stake. It is no less than freedom of speech itself.

It is the right of every man, in Parliament or out of it, in the Press or over the broadcast, to make fair comment, even outspoken



comment, on matters of public interest. Those who comment can deal faithfully with all that is done in a court of justice. They can say that we are mistaken, and our decisions erroneous, whether they are subject to appeal or not, All we would ask is that those who criticise us will remember that, from the nature of our office, we cannot rely to their criticisms. We cannot enter into public controversy. Still less into political. We must rely on our conduct itself to be its own vindication.

Exposed as we are to the winds of criticism, nothing which is said by this person or that, will deter us from doing what we believe is right; nor, I would add, from saying what the occasion requires, provided that it is pertinent to the matter in hand. Silence is not on option when things are ill done."

42. In Perspective Publication Ltd. v. State of Maharashtra, ((1969)2 SCR 779) Grover, J., speaking on behalf of the Court, reviewed the entire case law and stated the result of the discussion of the cases on contempt as follows :

"(1) It will not be right to say that committals for contempt for scandalising the court have become obsolete.

(2) The summary jurisdiction by way of contempt must be exercised with great care and caution and only when its exercise is necessary for the proper administration of law and justice.

(3) It is open to anyone to express fair, reasonable and legitimate criticism of any act or conduct of a judge in his judicial capacity or even to make a proper and fair comment on any decision given by him because "justice is not a cloistered virtue and she must be



allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men."

(4) A distinction must be made between a mere libel or defamation of a judge and what amounts to a contempt of the Court. The test in each case would be whether the impugned publication is a mere defamatory attack on the judge or whether it is calculated to interfere with the due course of justice or the proper administration of law by this Court. It is only in the latter case that it will be punishable as Contempt.

(5) Alternatively the test will be whether the wrong is done to the judge personally or it is done to the public. To barrow from the language of Mukherjee, J. (as he then was) (Brahma Prakash Sharma's Case) the publication of a disparaging statement will be an injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the judge or to deter actual and prospective litigants from placing complete reliance upon the court's administration of justice or if it is likely to cause embarrassment in the mind of the judge himself in the discharge of his judicial duties."

44. In Brahma Prakash Sharma v. The State of Uttar Pradesh, (1953 SCR 1169 at pp. 1178-1180) this Court said :

"It seems, therefore, that there are two primary considerations which should weigh with the court when it is called upon to exercise the summary powers in cases of contempt committed by "scandalising" the court itself. In the first place, the reflection on the conduct or character of a judge in reference to the discharge



of his judicial duties would not be contempt if such reflection is made in the exercise of the right of fair and reasonable criticism which every citizen possesses in respect of public acts done in the seat of justice. It is not by stifling criticism that confidence in court can be created. "The path of criticism", said Lord Atkin (Ambard v. Attorney-General for Trinidad and Tobago, (1936) A. C. 322 at 335 "is a public way. The wrong headed are permitted to err therein; provided that members of the public abstain from imputing motives to those taking part in the administration of justice and are genuinely exercising a right of criticism and not acting in malice, or attempt to impair the administration of justice, they are immune."

In the second place, when attacks or comments are made on a judge or judges, disparaging in character and derogatory to their dignity, care should be taken to distinguish between what is a libel on the judge and what amounts really to contempt of court. The fact that a statement is defamatory so far as the judge is concerned does not necessarily make it a contempt. The distinction between a libel and a contempt was pointed out by a Committee of the Privy Council, to which a reference was made by the Secretary of State in 1892 (In the matter of a special reference from the Bahama Islands (1893) AC 138). A man in the Bahama Islands, in a letter published in a colonial newspaper criticised the Chief justice of the colony in an extremely ill-chosen language which was sarcastic and pungent. There was a veiled insinuation that he was an incompetent judge and a shirker of



*work and the writer suggested in a way that it would be a providential thing if he were to die. A strong Board constituting of 11 members, reported that the letter complained of, though it might have been made the subject of proceedings for libel, was not, in the circumstances, calculated to obstruct or interfere with the course of justice or the due administration of the law and therefore did not constitute a contempt of court. The same principal was reiterated by Lord Atkin in the case of *Devi Prashad v. King Emperor* (70 Ind App 216) referred to above. It was followed and approved of by the High Court of Australia in *king v. Nicholls* (1911) 12 Com LR 280), and has been accepted as sound by this Court in *Reddy v. The State of Madras*, ((1952) SCR 425). The position therefore is that a defamatory attack on a judge may be a libel so far as the judge is concerned and it would be open to him to proceed against the libeller in a proper action if he so chooses. If, however, the publication of the disparaging statement is calculated to interfere with the due course of justice or proper administration of law by, such court, it can be punished summarily as contempt. One is a wrong done to the judge personally while the other is a wrong done to the public. It will be an injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the judge or to deter actual and prospective litigants from placing complete reliance upon the court's administration of justice, or if it is likely to cause embarrassment in the mind of the judge himself in the discharge of his judicial duties. It is well*



established that it is not necessary to prove affirmatively that there has been an actual interference with the administration of justice by reason of such defamatory statement; it is interference with the proper administration of law."

46. Another one is Shri Baradakanta Mishra v. The Registrar of Orissa High Court, (1974)1 SCC 374. In the latter case, I had occasion to examine the root principles of Indian Contempt jurisprudence and I summed up thus,

"Judges and Courts have diverse duties. But functionally, historically and jurisprudentially, the value which is clear to the community and the function which deserves to be cordoned off from public molestation is judicial. Vicious criticism of personal and administrative acts of Judges may indirectly mar their image and weaken the confidence of the public in the judiciary but the countervailing good, not merely of free speech but also of greater faith generated by exposure to the actinic light of bona fide, even if marginally over-zealous, criticism cannot be overlooked. Justice is no cloistered virtue".

** * * * **

"The court being the guardian on people's rights, it has been held repeatedly that the contempt jurisdiction should be exercised "with scrupulous care and only when the case is clear and beyond reasonable doubt'."

57. A concluding note. I have launched on this long, inconclusive essay in contempt jurisprudence bearing on scandalising the Judges qua Judges, aware that not high falutin rhetoric but hard-



headed realism, ill-umined by constitutional values, must set the limit and interpret the statute. It is a disturbing development in our country that the media and some men in the trade of traducement are escalatingly scandalising Judges with flippant or motivated write-ups wearing a pro bono publico veil and mood of provocative mock-challenge. The court shall not meditate nor hesitate but shall do stern justice to such 'professional' contemnors, not shrink because they are scurrilous, influential or incorrigible. Even so, to be gentle is to be just and the quality of mercy is not strained. So, it is that a benign neglect, not judicial genuflection, is often the prescription and to inhibit haphazardness or injustice it is necessary that the Bar and the Press evolve a dignified consensus on the canons of ethics in this area, with due regard to the Constitution and the laws, so that the Bench may give it a close look and draw the objective line of action. The process of arriving at these norms by those mighty forces who influence public opinion, cannot be delayed and until then the law laid down in precedents of this court will go into action when judge-baiting is indulged in by masked men or media might. Freedom is what Freedom does and Justice fails when Judges quail. For sure my plea is not for judicial pachydermy, but for dignified detachment which ignores ill-informed criticism in its tolerant stride, but strikes when offensive excesses are established. Frankly all these are hypothetical and have no specific reference to the present case. These orbiter dicta and intended to indicate the pros and cons, not to pontificate on the



precise limits for exercise of contempt power and to emphasise what Chief Justice Warren Burger mentioned in Nebraska Press Association ((1976) 96 SC at 2803) as 'something in the nature of a fiduciary duty' of the press to act responsibly, and I may add, respectfully.”

7. Reference can further be made to a judgment of Hon’ble the Supreme Court in a case of ***Sheela Barse v. Union of India and others, 1988 (4) SCC 226***. The relevant portion of the judgment reads as under:-

“11. This is not to deny the broader right to criticise the systemic inadequacies in the larger public interest. It is the privileged right of the Indian citizen to believe what he considers to be true and to speak out his mind, though not, perhaps, always with the best of tastes; and speak perhaps, with greater courage than care for exactitude. Judiciary is not, exempt from such criticism. Judicial institutions are, and should be made, of stronger stuff intended to endure and thrive even in such hardy climate. But we find no justification to the resort to this freedom and privilege to criticise the proceedings during their pendency by persons who are parties and participants therein.”

RELIEF

8. After perusing the whole records of the case and after interacting with the respondent-contemnor, we feel and observe that the respondent-contemnor is a frustrated lady owing to the circumstances and events/scenario faced by her during the course of litigation, as a result whereof she as a measure of a well made outburst against *prima facie* ill thought orders being made against her that she took to post some remarks on



the social media. Though the posting on the said remarks on the social media is not acceptable to this Court, but yet given the above and also after interaction with her, we find that her behaviour was the outcome of the happenings of an unfortunate and unforeseen incident with her. The respondent-contemnor is facing this Contempt proceedings since the year 2018 and we feel that no useful purpose would be served by punishing her. Further, today's system demands that value oriented besides a truth discerning approach be adopted for thereby putting the dispute to a quietus, since prima facie truth is loaded in the outburst made by the respondent-contemnor on social media.

9. Therefore, as held by Hon'ble the Supreme Court in the above referred to judgments and in view of the facts and circumstances of this particular case, the contempt proceedings are dropped and the rule is discharged against the respondent-contemnor.

10. Accordingly, the present contempt petition stands disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

November 07, 2024
G Arora

Whether speaking/reasoned	: Yes / No
Whether reportable	: Yes / No