

High Court of Judicature at Allahabad
Sitting at Lucknow

Neutral Citation No. - 2024:AHC-LKO:23167

Court No. - 27

Case :- APPLICATION U/S 483 No. - 146 of 2024

Applicant :- Gulshan Kumar Bajwa

Opposite Party :- Ld. Chief Judicial Magistrate And 2 Others

Counsel for Applicant :- In Person

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi J.

1. Heard Sri Gulshan Kumar Bajwa - the applicant, who has appeared in person, Sri Amitabh Chaturvedi, the learned A.G.A. appearing on behalf of the State and Sri Sudeep Seth Senior Advocate assisted by Sri Sridhar Awasthi Advocate, the learned counsel for the opposite party no.3.
2. By means of the instant application filed under Section 483 Cr.P.C. the applicant has made the following prayers: -

“a) Suitably modify the impugned Order dated 16.02.2024 so as to direct, in the interests of Equity & Justice (which is implied in Article 14 of the Constitution of India), Ld. CJM (Lucknow) to de-tag Accused's aforesaid non-maintainable Application dated 06.01.2023 (Crl Misc Case No.1070/2023) from the Applicant's Protest Application in Crl Misc Case No.4028/2022 forthwith, and to further direct that the said Applications be heard separately by such Ld. Magistrates as have not heard the same earlier;

b) Issue such other Order or Direction as may be deemed fit & proper in the facts & circumstances of this case.”

3. A perusal of the impugned order dated 16.02.2024 reveals that it has been passed by learned Sessions Judge, Lucknow in Criminal Miscellaneous Case No. 1066 of 2023, which was an application filed by the applicant under Section 408 Cr.P.C. praying for transfer

of Criminal Misc. Case No.4028 of 2022 from the Court of learned Chief Judicial Magistrate, Lucknow to some other competent Court. Criminal Misc. Case No.4028 of 2022 is a protest application filed by the applicant against the final report submitted by the Investigating Officer under Section 173 Cr.P.C.

4. It is stated in the transfer application that the applicant had filed a protest application against the final report filed by the Investigating Officer. However, the Chief Judicial Magistrate has afforded opportunity of hearing to the accused and his counsel, whereas they have no right of hearing under the law. It was further contended in the application that an application under Section 340 Cr.P.C. filed by the accused had been tagged with the transfer application of the applicant without any reason.
5. The learned Sessions Judge had obtained comments of the Presiding Officer of the Court of Chief Judicial Magistrate on the allegations made in the transfer application moved by the applicant. The Presiding Officer stated in his comments that the application under Section 156 (3) Cr.P.C. filed by the applicant had been heard and decided by his predecessor officer and thereafter the police had conducted an investigation and submitted a final report and a protest application filed by the applicant was pending in the Court. The accused-opposite party had moved an application under Section 195/340 Cr.P.C. and notice of the application had been issued to the applicant. The protest application filed by the applicant and the application under Section 195/340 Cr.P.C. filed by the accused (the opposite party no.3 in the present application) were pending in the same court. However, those cases had not been connected and the Presiding Officer also informed the Session Judge that the accused was not being heard on the protest application filed by the applicant.
6. The Sessions Judge also took note of the fact that earlier the applicant had filed a petition under Article 227 of the Constitution of India bearing No. 384 of 2023, which was disposed of by means

of an order dated 28.01.2023, directing the Chief Judicial Magistrate to decide the protest application filed by the applicant expeditiously, within a period of six weeks. The transfer application filed by the applicant was creating a hurdle in compliance of the directions issued by this Court in the petition under Article 227 of the Constitution of India filed by the applicant himself.

7. This court put a query to the applicant regarding why has he not annexed a copy of the order tagging the application under Section 340 Cr.P.C. with his protest application, to which the applicant replied that no such order has been passed specifically but both the applications have been tagged virtually.
8. There is no such thing in law which may be known as ‘virtual tagging’ of two cases. Both the applications are between same set of persons and both the applications are pending in the same Court. If the court fixes the same date in both the cases, it does not commit any illegality as it would save inconvenience to both the litigants, who can come on a single day to attend the hearing of both the cases.
9. It is relevant to note that the applicant claims himself to be an advocate-on-record practicing in the Hon’ble Supreme Court of India and he is aged about 72 years. Numerous cases are fixed in each Court on all the days. In case the Court fixes the protest application filed by the applicant and the application under section 195/340 Cr.P.C. filed by the opposite party no. 3 on the same date, it would save unnecessary trouble to the applicant. If two different dates are fixed in two cases, the applicant would have to travel from New Delhi to Lucknow twice, which will cause unnecessary trouble to the applicant, who is an Advocated-on-record practicing in the Hon’ble Supreme Court of India after attaining the age of 72 years. In this manner, the Chief Judicial Magistrate appears to be respecting the applicant’s professional status and his advanced age and this concern of the court towards the applicant needs to be

appreciated by him. In any case it is appreciated by this Court and this Court does not find any illegality being committed by the Chief Judicial Magistrate in fixing both the aforesaid cases on one date..

10. Although, there is no material to dispute the factual averments made in the impugned order that the application under Section 340 Cr.P.C. has not been tagged with the protest application filed by the applicant and that the accused-opposite party no. 3 is not being provided any hearing in the protest application filed by the applicant, the applicant in person insisted with his submissions on the merits of the case. He has relied upon three decisions of the Hon'ble Supreme Court and he has annexed extracts of the judgments in the cases of **Manharibhai Muljibhai Kakadia and another Vs. Shaileshbhai Mohanbhai Patel and others, Father Thomas Vs. State of U.P** and **Lalita Kumari Vs. Govt of U.P. and others.**
11. When the court proceeded to peruse the print-outs of the judgments annexed by the applicant so as to ascertain ratio of law laid down therein in the light of the facts of those case, it transpired that the applicant has annexed only page no.1 and 21 of the first judgment cited by him and he has annexed page nos. 1 and 8 to 15 of the second judgment and he has not annexed copies of the complete judgments. The print-outs of the extracts have been taken from a web portal - "Indian Kanoon", which does not find place in the list of journals approved by this Court.
12. Regarding the third judgment in the case of ***Lalita Kumari Vs. Govt of U.P. and others***, the applicant has filed three pages titled "*relevant extracts from judgment of Hon'ble Constitution Bench of Supreme Court of India*". There is nothing to indicate as to from where it has been taken from and it appears that the applicant has supplied his own note to the court in the name of supplying judgments to the court.

13. In case the applicant does not have access to any approved journal in spite of being an Advocate-on-record of the Hon'ble Supreme Court of India, he could have taken print-out of the cases from the official website of the Hon'ble Supreme Court of India, but he could not have supplied print-outs of judgments taken from a web portal which is not approved by this Court.
14. This Court normally adopts a liberal approach towards the litigants appearing in person, but in this case although the applicant is appearing in person, this fact cannot be lost sight of that he is an Advocate-on-record of the Hon'ble Supreme Court of India having 36 years' experience and keeping in view this fact, this conduct of the applicant can only be deprecated by this Court, as it shows that the applicant being an Advocate practicing in the Hon'ble Supreme Court, is not respecting the rules of this Court, which is also a superior court and is a court of record.
15. In **Manharibhai Muljibhai Kakadia v. Shaileshbhai Mohanbhai Patel**, (2012) 10 SCC 517 it was held that: -

53. ... in a revision petition preferred by the complainant before the High Court or the Sessions Judge challenging an order of the Magistrate dismissing the complaint under Section 203 of the Code at the stage under Section 200 or after following the process contemplated under Section 202 of the Code, the accused or a person who is suspected to have committed the crime is entitled to hearing by the Revisional Court. In other words, where the complaint has been dismissed by the Magistrate under Section 203 of the Code, upon challenge to the legality of the said order being laid by the complainant in a revision petition before the High Court or the Sessions Judge, the persons who are arraigned as accused in the complaint have a right to be heard in such revision petition. This is a plain requirement of Section 401(2) of the Code. If the Revisional Court overturns the order of the Magistrate dismissing the complaint and the complaint is restored to the file of the Magistrate and it is sent back for fresh consideration, the persons who are alleged in the complaint to have committed the crime have, however, no right to participate in the proceedings nor are they entitled to any hearing of any sort whatsoever by the Magistrate until the

consideration of the matter by the Magistrate for issuance of process. We answer the question accordingly. The judgments of the High Courts to the contrary are overruled.

16. In **Father Thomas v. State of U.P.**, 2010 SCC OnLine All 2710, the following questions were being decided by a Full Bench of this Court: -

“Whether the order of the Magistrate made in exercise of powers under Section 156(3) Cr. P.C. directing the police to register and investigate is open to revision at the instance of a person against whom neither cognizance has been taken nor any process issued?

Whether an order made under Section 156(3) Cr. P.C. is an interlocutory order and remedy of revision against such order is barred under sub-section (2) of Section 397 of the Code of Criminal Procedure, 1973?

Whether the view expressed by a Division Bench of this Court in the case of Ajay Malviya v. State of U.P reported in 2000 (41) ACC 435 : (2000 All LJ 2730) that as an order made under Section 156(3) of the Code of Criminal Procedure is amenable to revision, no writ petition for quashing an F.I.R. registered on the basis of the order will be maintainable, is correct?

The Full Bench answered the questions as follows: -

The order of the Magistrate made in exercise of powers under Section 156(3) Cr. P.C. directing the police to register and investigate is not open to revision at the instance of a person against whom neither cognizance has been taken nor any process issued.

An order made under Section 156(3) Cr. P.C. is an interlocutory order and remedy of revision against such order is barred under sub-section (2) of Section 397 of the Code of Criminal Procedure, 1973.

The view expressed by a Division Bench of this Court in the case of Ajay Malviya v. State of U.P. reported in 2000 (41) ACC 435 : (2000 All LJ 2730) that as an order made under Section 156(3) of the Code of Criminal Procedure is amenable to revision, and no writ petition for quashing an F.I.R. registered on the basis of the order will be maintainable, is not correct.

17. The question whether a person who has been exonerated by the Investigating Officer and in whose favour a final report has been submitted, would have a right of hearing on a protest application filed against the final report, was not involved in **Father Thomas**

(Supra) and this question was not involved in **Lalita Kumari v. Govt. of U.P.**, (2014) 2 SCC 1 also.

18. Opposing the application, Sri Sudeep Seth, the learned Senior Advocate appearing on behalf of the opposite party no.3, stated that the applicant is habitual of committing misconducts and annexing incomplete print-outs of judgments from unapproved journals with the application is not the only misconduct committed by him. He has pointed out to the following averments made in Paragraph 4 B) of the application filed before this Court: -

“AND FOR THAT the impugned Order omits to even state the Criteria under which/the report/ comment made by Ld. CJM (unsupported by Affidavit) has Accepted, but the Affidavit filed by the Applicant herein has been rejected:-

a) If the criterion is Education, then the Applicant’s educational qualifications ought to be first compared with those of Ld. Magistrate, for example:

i) The humble Applicant was educated at Top-10 Educational Institutes in Asia/ India, viz. the Delhi School of Economics, Campus Law Centre (Delhi), FMS (Delhi), Hindu College (Delhi), PUMBA (Pune), and he has also passed Advocates-on-Record Exams of Supreme Court of India;

ii) Applicant passed UGC’s NET (JRF/SRF) in Management in 1986 only two candidates in India had passed therein in that year,

iii) Applicant was awarded Merit Scholarship during BA (Honours) Economics in Hindu College (Delhi) -- Hindu College used to have in those days the highest cut-off marks for admission to BA (Hons) Econ;

iv) Applicant was awarded Fellowship by Entrepreneurship Development Institute of India (Ahmedabad), etc etc.

b) If the criterion is Experience, then the Applicant’s standing at the Bar is more than 36 years -- which is, most respectfully, more than the average age of many Ld. Magistrates; and if the criterion is Age alone, then the Applicant is more than 72 years old.

c) If the criterion is job, then the Applicant is a Direct Permanent Commissioned Officer - Commissioned for Life,

whose Oath of Office is far more stringent than that of even Hon'ble Supreme Commander (as observed by Hon'ble High Court of Delhi in one of its Judgments). Today, Indian Commissioned Officers are perceived as amongst the most honest of all the public servants. Applicant is an Advocate-on-Record (Supreme Court of India) who are appointed by a Judicial Order passed by an Hon'ble Single Judge of Supreme Court of India, sitting in 'open' Court; whereas judicial officers in subordinate judiciary are appointed administratively.

With great respect, a holier than thou' thumb-rule undermines human dignity, right to non-discrimination and fair treatment."

19. Sri Seth has placed before the Court a decision of the Delhi High Court in the case of **Court in its Own Motion Vs. Gulshan Bajwa**: 2006 SCC OnLine Del 1286, decided on 19.10.2006, which was a contempt case initiated by the Delhi High Court against the applicant.
20. Although the applicant has claimed in his application that he "*is a Direct Permanent Commissioned Officer - Commissioned for Life, whose Oath of Office is far more stringent than that of even Hon'ble Supreme Commander (as observed by Hon'ble High Court of Delhi in one of its Judgments). Today, Indian Commissioned Officers are perceived as amongst the most honest of all the public servants.*", it is recorded in **Court in its Own Motion Vs. Gulshan Bajwa** that: -

"The petitioner Mr. Gulshan Bajwa @ Flt. Lt. G.S. Bajwa had filed Civil Writ petition No. 245/86 praying for setting aside and quashing of entire proceedings of the General Court Martial held against the petitioner, the charge sheet dated 30.4.1983 passed by AOC, Air Force Station, New Delhi and that dated 24.11.1982 to which it was a sequel; order dated 30.4.1983 signed by the Director of Personnel Services, Air Headquarters, directing General Court Martial; Orders dated 10.7.1979 and 15.10.1979 lowering the petitioner's medical category and all orders to which these were a sequel; orders dated 18.6.1982 and 29.9.1982 ordering the petitioner's psychiatric examination; finding and sentence dated 21.6.1983 by General Court Martial; order dated 21.6.1983 passed by Adjutant Air Force Station, New Delhi

placing the petitioner under arrest; the purported order dated 14.1.1985 passed by the Central Government under Section 161(2) of Air Force Act, 1950; Sections 65 and 110 of Air Force Act; the order for arrest of the petitioner during the trial by General Court Martial from 10.6.1983 to 21.6.1983 and all adverse entries in the annual confidential reports of the petitioner and the effect of low reporting. It was further prayed that petitioner's dismissal from service be declared as null and void and also declare the petitioner in continuous service and entitled to all the consequent benefits including the higher rank (acting and substantive) emoluments and allowances (inclusive of rations allowance) as he would have been entitled to had he been in service but for the illegal orders as mentioned hereinbefore. Further it was prayed to declare the wrongful confinement of petitioner for 85 days from 15.6.1979 to 10.7.1979 and from 22.8.1979 to 19.10.1979 in psychiatric wards as illegal, as also the criminal assault on the petitioner on 28.9.1979 at Command Hospital (Southern Command) Pune as illegal, and award suitable compensation in lieu of that. It was further prayed to declare the arrest of petitioner on 21.6.1979 as illegal, and award suitable compensation in lieu of that.

The writ petition was allowed partially by an order of Division Bench of this Court dated 3.8.1995. Thereafter, two review applications being RA 43/95 and 5977A/95 were filed by the petitioner, which were dismissed by order dated 15th September, 1995 and 17th March, 2005 respectively. Thereafter, the petitioner has filed another application being CM 3882/2005 for restoration of RA No. 5977A/95. He had also filed CM 8361/2005 for amendment of the review petition. These two applications were dismissed by order dated 5th October, 2005. Thereafter, the petitioner filed another application being CM No. 13143/2005.

Against the judgment of the High Court dated 3rd August, 1995, the Union of India had gone up in appeal being Civil Appeal No. 10383/96, which was allowed vide order dated 2nd May, 2003 and the judgment of the High Court in favour of the petitioner was set aside.

The petitioner had filed a review application before the Supreme Court being Review Petition No. 10465/2003 in CA No. 10383/96 praying for review of the judgment of the Supreme Court dated 2nd May, 2003, which was dismissed vide order dated 4th September, 2003 as reproduced above."

21. Therefore the averment made by the applicant that he is a *Direct Permanent Commissioned Officer - Commissioned for Life*, is false

and having been dismissed from the service by means of an order dated 21.06.1983 passed in General Court Martial proceedings and his dismissal having been affirmed by the Hon'ble Supreme Court.

22. The applicant's claim of supremacy over judicial officers on the ground that he has been appointed an Advocate-on-Record by a Judicial Order passed by an Hon'ble Single Judge of Supreme Court of India, is also false, as an order of appointment of an Advocate-on-record is not a judicial order and in any case, the fact that the applicant has been appointed an Advocate-on-record does not mean that he can claim supremacy over judicial officers in judicial proceedings in which he is a party.
23. Moreover, it is also relevant that while the applicant claims supremacy over the judicial officer before him he is party in a litigation, he has not disclosed the fact that his licence to practice had been cancelled by the Bar Council of Delhi by an order dated 29.01.2007. He had challenged this order by filing an appeal against the order of Bar Council of Delhi and his appeal too was dismissed. The applicant then approached the Hon'ble Supreme Court by filing an appeal, which was allotted diary no.33179 of 2018 and by means of an order dated 12.12.2019, the Hon'ble Supreme Court restored the applicant's license, 'accepting his contrition' after his licence had remained cancelled for about 13 years.
24. The following passages from the judgment of the Delhi High Court are relevant to ascertain the conduct of the applicant: -

“4. The non-bailable warrants could not be executed even thereafter and the Police Authorities on 15.9.2006 stated before the Court, “The said respondent knows various ways to avoid arrest and that is why he could not be arrested”. Applications after applications were being filed in the cases, but Mr. Bajwa despite being informed by various Counsel, did not appear in the Court and the Police was not taking any positive interest in executing the non-bailable warrants for his production in the Court. Finally, the Court was compelled to direct the Deputy Commissioner, New Delhi to be present in the Court. He was directed to ensure compliance of the orders of the Court and execution of the non-bailable warrants. The Police Authorities who again appeared on 18th September,

2006 and produced the contemnor in Court, informed that a large number of police force had to be engaged to find out whereabouts of Mr. Bajwa and with great difficulty, they were able to arrest him. On that date, Mr. Bajwa was ordered to be released on furnishing personal bond in the sum of Rs. 5,000/- to the satisfaction of the Registrar General of the Court. On that very date, he was arrested by the Police of Uttranchal in furtherance to issuance of another non-bailable warrant issued by the Family Court of Uttranchal in a case filed by his wife for execution of the decree. Though all the documents had already been given to Mr. Bajwa, but again on his request direction was given to furnish him complete set of documents again. On 21.9.2006 when Mr. Bajwa appeared before the Court, he informed the Court that he had received all the orders as well as some money which was taken by the Police during personal search of the contemnor before taking him into custody. On 21.9.2006, Mr. Bajwa was directed to appear in Court on 5.10.2006 to file a further reply if he so desired and to argue the matter on that date.

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6. The contemptuous acts and behaviour of Mr. Gulshan Bajwa @ Flight Lt. G.S. Bajwa is not a recent development in his professional career but relates back to the period when he filed writ petitions as well as Special Leave Petitions and Review Petitions in the case where he was a petitioner himself, before this Court as well as the Supreme Court of India. In the review application no. 10465/2003 in CA No. 10383/1996, as already noticed, the Supreme Court, vide order dated 3.5.2003, while giving indulgence to him by not initiating contempt proceedings at that stage, had directed the Bar Council of India to look into the matter and take appropriate action. In that petition also the petitioner had made reckless allegations. The Bar Council of India did not comply with the orders of the Court for a considerable time. This magnanimity of the Court and liberal attitude of the Bar Council of India in not taking timely action encouraged the contemnor to use this methodology as a means to pursue his professional work as well as his personal cases. Claiming that he possessed spiritual powers and was blessed with the powers to curse, the contemnor claims to have cursed a number of Judges for the past couple of years in writing in Court and all those Judges are alleged to have faced the brunt of his curses. He takes pride in saying that Justice K.J. Reddy, Justice Yogeshwar Dayal and the son of Justice P.K. Bahri died because of his curse. He also states that Justice B.N. Kirpal suffered paralysis attack because of his curse and also that Justice G.P. Mathur is also suffering because of his curse. He

continues with giving such curses to Judges even now and he takes credit that by use of such means he was able to get cases transferred from a number of Benches. He made some undesirable comments and threats in the applications filed in the Civil Writ Petition Nos. 5183/2005 and 9244/2006 giving rise to Crl. Contempt No. 16/2006 and 17/2006 respectively. Written submissions were submitted on behalf of himself as well as on behalf of his clients in other cases.

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8. The purpose of this persistent contemptuous conduct of the contemnor was obvious that he wanted the cases to be transferred from one Court to another by making insinuations, scandalizing the Courts by giving threats openly and in writing to the Judges, unambiguously conveying that either the orders, which are favourable to the contemnor, should be passed or the Judges and their families would face the wrath of his curses by losing their lives, their children or by facing any such other harm. Extending such threats in the garb of his profession and taking undue advantage of appearing in person in some cases, is nothing but a patent interference with the administration of justice and to say the least an undesirable and an unprofessional practice adopted by him for achieving his selfish goals.

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12. Furthermore, the contemnor, despite a very lenient view being taken by different Courts, treated the kindness by the Courts shown as weakness of the system. However, the cases of the petitioner were transferred before different Benches and even in Civil Writ Petition No. 9244/2006, another Bench of this Court consisting of Hon'ble Mr. Justice (Dr.) M.K. Sharma and Hon'ble Ms. Justice Hima Kohli had issued a notice of contempt on similar contemptuous behaviour. This contempt petition, as already noticed, was registered as Crl. Contempt No. 17/2006.

13. Another matter of serious concern which directly and adversely affects the administration of justice is that the petitioner filed transfer petitions on behalf of the petitioners where he was appearing as a Counsel, without even showing them the applications, their contents, much less requiring his clients to read the applications. The contents were not even disclosed to them. On the contrary, he misguided his clients by saying as in the case of Cpl. R.S. Sahrawat v. Union of India, W.P.(C) No. 2705/1998 that he would get the case transferred from this Bench and get it decided early before any other Court. This was told to the client by the contemnor on telephone whereafter he neither got the application signed nor the affidavit attested by the client and, in fact, without his

knowledge and proper information filed these transfer petitions at his own. He had acted in a somewhat similar manner even in the case of Manoj Yadav v. Union of India. These transfer applications, thus, were his own creation for scandalizing the Courts and were filed without specific instructions and knowledge of the clients in regard to the contents of those applications. This certainly is an abuse of the process of the Court undermining the system of law as well as interfering with the course of justice. The whole attempt was to get the cases transferred from the Court where the contemnor misbehaved by scandalizing the Court.

14. At the cost of repetition we may refer to the abstract of the written submissions made by the contemnor, which he had been repeating in all cases, of course, with some addition in the names of Judges. This reflects the kind of threats the contemnor has been extending to the Judges of all Courts and the pride he takes in saying that he was able to get the cases transferred from one Court to another. The relevant portion of the said written submission reads as under:

Written Submissions filed in CWP No. 5183/2005

“Apparently, it is the ego of the judicial office and the accompanying powers—which can be used or mischievously abused/misused, which is making him ill-treat the Hon'ble Members of the Bar and to act in a whimsical, vengeant and harassing manner towards me, in particular. But the learned Judge overlooks the fact that he is not the Lord Almighty and there are Members of the Bar who are close to the real Lord Almighty, for example, I wrote to the then Hon'ble Chief Justice of India and therein cursed that the way justice had been delayed, there will be delay in medical aid and one son of Mr. Justice K.J. Reddy shall die; his son died within 4 days. Again, I wrote to His Lordship that Mr. Justice Yogeshwar Dayal shall die, he died within 7 days. Similarly, Mr. Justice P.K. Bahri died, Mr. B.N. Kirpal (retired Judge) has been paralysed for life, Mr. Justice G.P. Mathur is also suffering with medical problems, etc. Since then at least 13 Hon'ble Judges have declined to hear my personal matters, including Mr. Chief Justice Y.K. Sabharwal.

I, therefore, hereby curse that if due to the aforesaid egoistic and arrogant fixation of the above matter today, I am unable to go to Ghaziabad and my matter in Ghaziabad is dismissed-in-default, then one child each of Mr. Justice Swatantra Kumar and Mr. Justice Sistani shall die prematurely—so shall it happen soon ! Bismillah!”

CM 9695/2006 in WP(C) No. 9244/2006

“3. That several Universal Legal Maxims/Principles/Premises- which are followed by all the civilised Nations, have been given a go-by in several legal cases (including the instant case) and the same is palpably apparent on the face of the record. Hence, the humble Applicant hereby curses that one son/child of each of the individuals who passed the motivated orders shall die prematurely, and so shall it happen soon. Bismillah!

In this regard, it is pertinent to mention that it is on the written record of the Hon'ble Supreme Court that the Applicant herein had stated in writing that one son of the then Mr. Justice K.J. Reddy would die—he died within 4 days, that the then Mr. Justice Yogeshwar Dayal would die—he, too, died within 7 days. And the then Mr. Justice P.K. Bahri's son also died. Mr. B.N. Kirpal (retired Judge) has been paralysed. Moreover, ACM Dilbagh Singh (the individual, who had tried to harass the humble Applicant) was not only himself paralysed, but his daughter also committed suicide and his son died in an air-crash. It is pertinent to mention that blatant and motivated abuse of their powers by certain public officials has occasioned miscarriage of justice against the ex-servicemen/servicemen, and their said acts are an open instigation to the ex-servicemen/servicemen to abuse their powers, too, in any case, this is a reason enough for lowering the morale of the Armed Forces personnel who may even refuse to fight against the intruders to save the lives of such corrupted individuals. Hence a copy of this Application is being sent to the Supreme Commander of the Armed Forces.”

15. The above is only a reflection of the thoughts and threats over which the contemnor has thrived for all this period. It is certainly unfortunate that this attitude of the contemnor progressed more and more with the passage of time. He started extending these threats not only to the Judges of different Courts but even to the Lawyers who were opposing him. The episode in regard to Ms. Rekha Palli, Advocate, Counsel for the Union of India speaks for itself.

17. Another very pertinent aspect of this case is the conduct of the contemnor after the notice to show cause was issued by two different Benches of this Court. Despite due knowledge of the proceedings, he did not appear before the Court in these proceedings, however, kept on filing applications after applications in these cases, including the transfer applications, application for stay of sentence, which in fact, had never been awarded to the contemnor at the relevant time. His presence before the Court could be secured only by issuance of non-bailable warrants, which according to the police could be executed only after deploying a large number

of personnel as all the addresses given by this contemnor, even in the power of attorney which he had filed on behalf of his clients, were false and incorrect.

* * *

34. Though painfully but unhesitantly, we hold that Mr. Gulshan Bajwa, Advocate, is guilty of charges of criminal contempt in both the contempt petitions i.e. CrI. Cont. Case Nos. 16/2006 and 17/2006 and award him punishment of simple imprisonment for a period of three months with fine of Rs. 2000/-, in each contempt. However, the sentence of civil imprisonment shall run concurrently.

Ordered Accordingly.”

25. The applicant had filed Criminal Appeal No.577 of 2007 in the Hon’ble Supreme Court of India challenging the aforesaid order passed by the Delhi High Court. The appeal was decided by means of an order dated 30.01.2024 wherein the Hon’ble Supreme Court has affirmed the conviction of the applicant for committing contempt of the Court but has only modified the sentence keeping in view the advance age of the appellant and his submission that he suffering from certain medical ailments. The relevant portion of the judgment of the Hon’ble Supreme Court reads as under: -

“23. Having considered the order impugned before us in detail and having perused the way the appellant has conducted the proceedings before this Court, and after giving our anxious consideration, we are of the opinion that the finding of conviction against the appellant warrants no interference. However, considering the age of the appellant and taking note of his submission that he is suffering from certain medical ailments, we modify the sentence imposed by the High Court from imprisonment for three months till the rising of the court.”

26. From the aforesaid judgments of the Delhi High Court and the Hon’ble Supreme Court and from the averments made by the applicant in the application filed before this Court, it appears that the applicant is habitual of disrespecting the courts and his attempt to file an application for transfer of the application under Section 156 (3) Cr.P.C. from the Court of Chief Judicial Magistrate, appears to be another episode in a series of repetitive and persistent dis-

respects to the Courts and abuse of process of law by filing frivolous transfer applications whenever the applicant apprehends an unfavourable outcome in a case.

27. Although this fact is not relevant to adjudicate the validity of the impugned order, the applicant has stated in the grounds of challenge to the impugned order that “*the Applicant’s standing at the Bar is more than 36 years -- which is, most respectfully, more than the average age of many Ld. Magistrates*”. This averment is false on the face of the record as a copy of the photo identity card issued to the applicant by the Bar Council of Delhi mentions his date of enrollment to be 09.10.1986. The Bar Council had cancelled the applicant’s enrollment on 29.01.2007. He had challenged this order by filing an appeal against the order of Bar Council of Delhi and his appeal too was dismissed. The applicant then approached the Hon’ble Supreme Court by filing an appeal, which was allotted diary no.33179 of 2018 and by means of an order dated 12.12.2019, the Hon’ble Supreme Court restored the applicant’s license, ‘accepting his contrition’ after his licence had remained cancelled for about 13 years. Therefore, the applicant has remained in practice only for a period of about 24 years and he has falsely claimed that his standing at the Bar is more than 36 years, which is more than the average age of many Magistrates.
28. The Presiding Officer of the Court of Chief Judicial Magistrate has submitted a report to the Session Judge stating that the protest application filed by the applicant and the application under Section 195/340 Cr.P.C. filed by the opposite party no.3 are pending in the same court. However, those cases had not been connected and the Presiding Officer also informed the Session Judge that the accused was not being heard on the protest application filed by the applicant. This fact could not be disputed by the applicant.
29. The Sessions Judge has also taken note of the fact that by means of an order dated 28.01.2023 passed by this Court in a petition under

Article 227 of the Constitution of India bearing No. 384 of 2023, this Court has directed the Chief Judicial Magistrate to decide the protest application filed by the applicant expeditiously, within a period of six weeks. The transfer application filed by the applicant was creating a hurdle in compliance of the directions issued by this Court in the petition under Article 227 of the Constitution of India filed by the applicant himself

30. As the applicant could not point that his protest application filed against the Final Report submitted by the Investigating Officer has been tagged with the application under 195/340 Cr.P.C. filed by the opposite party no. 3 and it could not be established that the trial Court has provided opportunity of hearing to the opposite party no. 3 in the protest application filed by the applicant and he could not point out any illegality in the impugned order dated 16.02.2024 passed by the learned Sessions Judge, Lucknow, there is no ground to interfere in the impugned order dated 16.02.2024.
31. The application lacks merit and the same is hereby **dismissed**.
32. Keeping in view the reckless, irresponsible and scandalous averments made by the applicant in the application coupled with the fact that the applicant is a seasoned advocate practicing in the Hon'ble Supreme Court and he is expected to understand the repercussion of actions, it is a fit case where an appropriate cost should be imposed on the applicant who has appeared in person. Accordingly, the applicant is ordered to pay a cost of Rs. 25,000/- which shall be deposited by him with the registry of this Court within a period of 30 days, failing which the Senior Registrar shall initiate proceedings for recovery of the amount by sending a Recovery Certificate to the Collector concerned, who shall recover the amounts as arrears of land revenue and shall remit the same to this Court within a period of three months from the date of issuance of the Recovery Certificate.

- 33.** The Senior Registrar of this Court is directed to transmit the cost amount to Children Home (Girls), Lucknow, which is being run and maintained under the Department of Women and Child Development, Government of U.P.

(Subhash Vidyarthi, J.)

Order Date : 15.03.2024
Ram.