

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CROCP No. 07 of 2009 (O&M)
Date of Decision: 07.09.2018**

Court on its own motion

..... Petitioner

Versus

Tejinder Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE JASWANT SINGH**

Present: Contemnor-Tejinder Singh in person.

JASWANT SINGH, J.

CRM No. 29819 of 2018

This is an application for placing on record affidavit dated 18/21.08.2018 of the respondent-contemnor of apology as well as written submissions dated 18.08.2018 regarding quantum of sentence.

In view of the averments made in the application, which is duly supported by affidavit, the same is '**allowed**' and consequently, the aforementioned documents, i.e., affidavit of apology as well as written submissions are taken on record.

MAIN CASE

In pursuance to the order passed by this Court on 10.08.2018, whereby respondent-contemnor was held guilty of contempt, he is present in Court and has been heard on the quantum of punishment to be awarded to him.

The contemnor, while referring to his affidavit dated

18/21.08.2018 of apology has stated that a lenient view be taken, as it was

under ignorance of law that words like “*corrupt*” were used, which according to him would not be contemptuous in nature because same words were used by legal luminaries, therefore, he had written representations with a view to redress his grievances.

On merits, he (contemnor) has argued that:-

- i. Sending of e-mails/letters to various authorities does not, in any manner amount to obstruction of administration of justice, as postulated under Section 13 of the Contempt of Courts Act, 1971 and, therefore, the order, holding him guilty of contempt is purely technical in nature, whereby a ten (10) years' old contempt has been revived on the basis of his complaints to authorities and not during the course of Court proceedings, either orally or in writing.
- ii. The allegations levelled by him in his complaints are not found to be false/disproved, only the language has been found to be inappropriate and, therefore, he is not liable to be punished for such acts, especially in view of judicial order **Annexure R-5**, whereby it is clear that irregularities and legal mis-chiefs did happen in Courts and an attempt was made to shield Luckwinder Kaur-his estranged wife.
- iii. By relying upon the judgment dated 05.09.2018 passed by Hon'ble Supreme Court in ***Criminal Appeal No. 684 of 2006*** titled as “***R.S. Sehrawat Versus Rajeev Malhotra and Others*”**, it is argued that without framing of formal charges or furnishing such charges to him, he cannot be punished.

Apart from that, numerous submissions, in the form of written arguments have been made, which we have perused, but are not inclined to refer as the same are repetition of facts and goes to merits of the criminal contempt petition, in which he already stands convicted.

After hearing contemnor in person, we are of the opinion that no leniency can be shown to him. A perusal of the affidavit filed by the contemnor, tendering his apology, would show that it is a hollow attempt on his part to justify his acts, rather than feeling apologetic for the actions committed by him. It is settled position of law that ignorance of law is no defence. In the present case, even this principle cannot be applied, as he was well aware of his undertaking given to the Court on 26.03.2010. In this view of the matter, we expressly reject the apology tendered by him, which is not found to be *bona fide*.

As far as the arguments raised by the contemnor before us are concerned, we are of the view that the same can be summarily rejected on the ground that we are not deciding the contempt petition on merits, as the same already stands decided against the respondent-contemnor on 10.08.2018. However, in view of the fact that it is our bounden duty to deal with all the arguments raised before us, lest the respondent feels he has been condemned unheard, therefore, the same are being dealt with as follows:

As far as **first** argument is concerned, we are of the view that the contemnor has indeed obstructed administration of justice, by holding the Judicial Officers at their tenterhooks, when he wrote derogatory and un-parliamentary language against them. By writing such material before

Higher Judicial Officers, he had tried to influence the outcome of the case by bullying the presiding officers, as it is a matter of common knowledge that when such serious allegations are levelled against judicial officers, they either recuse themselves from the matter or feel unnecessary pressure of impending inquiries against them. This, in our opinion has to stop. Without concrete proof, no litigant has a right to malign the reputation of judicial officers, who are working to the best of their capability so as to administer justice. By permitting such acts of litigants to go unpunished, we would be exposing Judicial Officers to an un-enviuous situation, whereby instead of concentrating on their work, they would be more worried about the outcome of baseless complaints filed against them. Accordingly, we are of the opinion that by writing against judicial officers, not once, but a number of times and alleging them to be “*corrupt*” because of the nature of orders they had passed, the respondent-contemnor has indeed tried to obstruct administration of justice, by putting the said judicial officers under pressure and trying to influence them to buckle under pressure and accordingly decide the cases in the manner respondent-contemnor desired. Hence, we have no hesitation that the so-called ten (10) years' old criminal contempt is liable to be opened, in view of the clear violation of undertaking given by the respondent-contemnor on 26.03.2010.

The **second** argument raised by the contemnor, infact goes against him, as he has again tried to justify his acts by stating that the allegations he had levelled are not false. It is because of these contemptuous acts of the respondent-contemnor that we are today in this situation, whereby he is being heard on quantum of sentence, rather than him living a peaceful life as an ordinary citizen of Republic of India.

As far as the **third** argument is concerned, we are of the opinion that the same is misconceived. The facts of the judgment relied upon by respondent-contemnor are completely different from the facts of the present case. In the said case of ***R.S. Sehrawat (supra)***, there was a dispute as to whether the appellant therein had indeed violated the Court orders or not. The report on the basis of which, the Division Bench of Delhi High Court had convicted the appellant was also doubtful. It was under these circumstances that the Hon'ble Supreme Court held that charges were required to be framed and put to the appellant. However, in the present case, it is apparent that the respondent-contemnor had originally also made contemptuous remarks against the then Judicial Officer, namely, Mr. Sumit Ghai, JMIC, Chandigarh, which further stood aggravated in view of the contemptuous language used by him during the course of hearing of this criminal contempt proceedings. Still, this Court had refrained itself from holding Tejinder Singh-respondent guilty of contempt at that point of time, by believing in the undertaking furnished by him in Court, that he would not level such allegations in future. Consequently, the Rule was discharged, with a specific direction that he would refrain himself from making any derogatory or contemptuous remarks against any Judicial Officer in any proceedings in future. However, as observed in paragraph Nos. 7, 8 & 9 of previous order dated 10.08.2018, Tejinder Singh-respondent/contemnor had again maligned the reputation of judicial officers and the documents that we had relied upon, while holding respondent-contemnor guilty of contempt, are not disputed by him. Therefore, the said judgment of ***R.S. Sehrawat (supra)*** relied upon by the respondent-contemnor is not at all applicable to the facts of the present case.

Consequently, the contemnor is awarded one month of simple imprisonment with fine of ₹ 2,000/- (Two Thousand only){as postulated in Section 12 (2) of Contempt of Courts Act, 1971} to be paid within two months from today. In case of default of payment of fine, the contemnor shall further undergo simple imprisonment for another one week.

This order be kept in abeyance till 14.10.2018. The contemnor shall **surrender** himself before the Chief Judicial Magistrate/Duty Magistrate, Chandigarh on **15.10.2018 at 11.00 a.m.**

A copy of the order of conviction as well as punishment be sent to the Chief Judicial Magistrate as well as Duty Magistrate, Chandigarh, for strict compliance.

(JASWANT SINGH)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 07, 2018

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<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>