

CROCP no. 3 of 2013(O&M) 1

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

**CROCP no. 3 of 2013(O&M)
Date of Decision :30.05.2016**

Court on its own motion

....Petitioner(s)

Versus

Aman Sharma, Advocate, District Court, Ludhiana

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE SUDIP AHLUWALIA**

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr. Sandeep Vermani, Advocate

Ms. Aman Sharma, contemner in person.

MAHESH GROVER, J.

We have received a reference from the Court of District and Sessions Judge, Ludhiana and we deem it appropriate to extract the contents thereof:-

“I have the honour to submit that Ms.Kiran Jyoti, Judicial Magistrate Ist Class, Ludhiana, vide her letter no. 121 dated 3.11.2012, has requested the undersigned to take action against Ms. Aman Sharma, Advocate. A perusal of the same reveals that Ms. Aman Sharma has used contemptuous language against the court, therefore, the matter is being sent to the

Hon'ble High Court for taking appropriate action into the matter.”

Contemner is present in person.

She states that till date the case which was subject matter before the Presiding Officer in question has not been decided.

To a pointed question by this Court that merely because the case has remained pending, would it imply connivance between the judicial officers and the accused to which she emphatically stated “yes”. To another question whether delay is also on account of perceived complicity of the judicial officers, she retorted that till date the matter has not been decided only because of the connivance of the judicial officers with the accused and their counsels.

She further states that out of the 16 Presiding Officers since 2006 who had the occasion to deal with her cases, 6 presiding Officers were clearly in connivance with the accused persons. Their names are Mr. Kuldeep Singh Cheema, the then CJM, Ms. Kiranjyoti, Amarinder Pal Singh, Mr. Gobinder Singh Matharoo, Mr. Karan Garg and Mr. Jatinder Singh.

She further states that she stands by the allegations against the judicial officers and asserted that she has made these allegations in written as well including the one from which reference has originated. She further said that she has filed a petition for initiating contempt proceedings against some of the judicial officers.

The contemner has been confronted with following applications:-

Kiranjyoti, JMIC, Ludhiana stating therein **that she will not appear till the court is full of criminal and the Presiding Officer is acting connivance with the accused person**

2. In application dated 27.11.2012 filed in the Court of Ms. Kiranjyoti, JMIC, Ludhiana, she has written ***“That the applicant aggrieved with the criminal attitude of the presiding officer Ms. Kiranjyoti has made an application to the Free Legal Aid cell to provide her APL for transfer of the case from this court which is awaited. Xxxxx. Therefore, it is brought in the notice of the Court that applicant to avoid unnecessary threat to her life, liberty and dignity is not appearing in the Court.***

3. In application dated 2.11.2012 filed in the Court of Ms. Kiranjyoti, JMIC, Ludhiana she has written ***“That the applicant facing threat to her life, liberty and dignity in the Court and outside the Court due to connivance of the presiding officer, APL with the accused persons and their counsels had earlier intimated the reasons for her non-appearance in the Court on last date. Now as she has moved an application before District and Sessions Judge for lodging FIR agaisnt Ms. Kiranjyoti, presiding officer of the Court and others.***

4. In application dated 9.10.2012 filed in the Court of District & Sessions Judge, Ludhiana she has written ***“Application for information for not appearing in any of the personal cases as Courts being operated as Courts of Criminals with free and unpunished connivance of presiding officer with accused persons/respondents and their counsels. Advocate P.P.Singh, Advocate G.S.Bal, Advocate Gurkirpal singh, Advocate B.S.Sidhu APL Amarjit Singh Chadha”***

her hand and were written by her.

The applications written by her were shown to her in Court and when this Court pointed out that the aforesaid material which the contemner admitted is scurrilous and charges ought to be framed against her, she tried to shout down the Court to state that she is not getting justice anywhere. She states that she wants to remain in custody for rest of her life and is not scared of it.

After again putting the contents of the applications which contain derogatory remarks to the contemner it was put to her as to whether she is willing to tender an apology but this invited more belligerence on her part. She said that she is willing to face any consequences but not submit to an apology. When we put it to her that this might lead to consequences of conviction, she stated that she be imprisoned for life, for all she cares.

On a previous date also this Court had very explicitly suggested on 18.12.2015, if the contemner was willing to apologise to the concerned judicial officer which was spurned by the contemner.

We also notice that atleast on one occasion she had sought time to file an affidavit of apology but did not do so.

We are now confronted with a situation where the contemner does not dispute the contents of applications which in our considered view are absolutely derogatory to the Court. She has also gone on to condemn several other judicial officers as being in league with the accused persons. Besides the answers to the questions of the Court, her demeanor and outbursts and unbridled belligerence are clearly a contempt in the face of the Court.

We can understand the pain and suffering of a litigant whose

matters are lingering on in Courts without any fruitful result but we also consider that such frustration should not result in outbursts which demean the Court to result in baseless allegations. Mere delay in Court proceedings would not ipso facto lead to a conclusion of complicity or connivance or bias of a court with any of the disputants or lead to a conclusion that there would be convergence of the interests between the court and any of the litigants.

Since we are conscious of the concern of the contemner regarding the delay caused in her cases, we would while exercising inherent jurisdiction direct the Courts of competent jurisdiction where following cases are pending to conclude the proceedings as expeditiously as possible but not later than 1 year from the date of receipt of the certified copy of this order:-

1. Aman Rani vs. State of Punjab pending in the Court of District & Sessions Judge, Ludhiana for 31.5.2016.
2. Aman Rani vs. Rupila Mohini and others pending in the Court of Sh. Insaan, JMIC, Ludhiana for 31.5.2016.
3. Aman Sharma vs. Anil Chadha & ors pending in the Court of Sh. Insaan, JMIC, Ludhiana for 4.6.2016
4. Aman Rani vs. Satbir Singh and others and Satbir Singh vs. Aman Sharma pending in the Court of Sh. Sandeep Singh Bajwa for 3.6.2016
5. Aman Sharma vs. Anil Chadha and ors pending in the Court of Sh. Jaspinder Singh, JMIC, Ludhiana for 4.6.2016.

Every endeavour shall be made by the court concerned to

conclude the process. No unnecessary adjournment shall be granted to

either of the parties and if any adjournment is granted it should be carrying justification in the order itself.

Reverting back to the reference, a perusal of the file shows that there is sufficient material to frame charges against the contemner, which are framed separately to which she pleaded not guilty while admitting once again to authoring scurrilous content of the applications. The words “in good faith” were added by the contemner before appending her signatures in the charge-sheet. We have noticed this to be true to the record.

We, however, cannot overlook the conduct of the contemner as we have also noticed her demeanor in Court which to our mind is offensive. No matter how much reason we tried to show to the contemner all fell on deaf ears as she continued with her belligerence and tirade.

The Hon'ble Supreme Court in case titled as **Vishram Singh Raghubanshi vs. State of U.P** reported as 2011 (7) SCC 776 has held as below:-

“16. The dangerous trend of making false allegations against judicial officers and humiliating them requires to be curbed with heavy hands, otherwise the judicial system itself would collapse. The Bench and the Bar have to avoid unwarranted situations on trivial issues that hamper the cause of justice and are in the interest of none. “Liberty of free expression is not to be confounded or confused with license to make unfounded allegations against any institution, much less the Judiciary”. A lawyer cannot be a mere mouthpiece of his client and cannot associate himself with his client maligning the reputation of judicial officers merely because his client failed to

secure the desired order from the said officer. A deliberate attempt to scandalise the court which would shake the confidence of the litigating public in the system, would cause a very serious damage to the Institution of judiciary. An Advocate in a profession should be diligent and his conduct should also be diligent and conform to the requirements of the law by which an Advocate plays a vital role in the preservation of society and justice system. Any violation of the principles of professional ethics by an Advocate is unfortunate and unacceptable. (Vide: **O.P. Sharma & Ors. v. High Court of Punjab & Haryana**, (2011) 5 SCALE 518).”

In case titled as **Bal Kishan Giri vs. State of U.P** reported as 2014(3) RCR (Criminal) 224, the Hon'ble Supreme Court based its observations on two earlier precedents of this Court; one in **M.B.Sanghi, Advocate vs. High Court of Punjab and Haryana and ors** reported as AIR 1991 SC 1834 wherein it was observed as under:-

“The foundation of judicial system which is based on the independence and impartiality of those who man it will be shaken if disparaging and derogatory remarks are made against the presiding judicial officers with impunity. It is high time that we realise that the much cherished judicial independence has to be protected not only from the executive or the legislature but also from those who are an integral part of the system. An independent judiciary is of vital importance to any free society”.

and in **Asharam M. Jain v. A.T. Gupta & Ors.** AIR 1983 SC

1151, while dealing with the issue, the Hon'ble Supreme Court observed as under:

“The strains and mortification of litigation cannot be allowed to lead litigants to tarnish, terrorise and destroy the system of administration of justice by vilification of judges. It is not that judges need be protected; judges may well take care of themselves. It is the right and interest of the public in the due administration of justice that has to be protected.”

Similarly Hon'ble Supreme Court in case titled as **Murray & Co. vs. Ashok Kr. Newatia** reported as 2000(2) SCC 367, it was observed as under:-

“10. The right to inflict punishment for contempt of court in terms of the Act of 1971 on to the Law Courts has been for the purposes of ensuring the rule of law and orderly administration of justice. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the Courts of law since the image of such a majesty in the minds of the people cannot be led to be distorted. The respect and authority commanded by Courts of Law are the greatest guarantee to an ordinary citizen and the entire democratic fabric of the society will crumble down if the respect for the judiciary is undermined. It is true that the Judiciary will be judged by the people for what the judiciary does, but in the event of any indulgence which even can remotely be termed to affect the majesty of law, the society is bound to lose confidence and faith in the judiciary and the law courts thus, would forfeit the trust and confidence of the

people in general.”

We are convinced that the contemner who is an Advocate knows the consequences of levelling allegations against judicial officers and since repeated inter-action with her has yielded only reiteration and repeat of her conduct which led to the reference, we have no reason to doubt that there is willful mis-conduct and a deliberate outburst to demean and undermine the judiciary.

We, therefore, hold her guilty under the provisions of Contempt of Courts Act for writing scurrilous and derogatory material to the trial Court without there being any supportive evidence and also for contempt in the face of the Court.

Since we are convinced that the contemner has committed contempt of Court within the meaning of Section 2 (c) of the Contempt of Courts Act, we informed the contemner that we intended to inflict punishment upon her and further asked her whether she had to say anything on the quantum of sentence.

To this she also replied that she is prepared for the worst and ready to be imprisoned for life.

After considering the matter in entirety, we after holding the contemner guilty of contempt, sentence her to one month simple imprisonment alongwith costs of Rs.20,000/- and in default of payment of this amount, to undergo further SI for a period of 7 days.

The sentence and imposition of costs shall remain suspended for a period of 45 days and since we are breaking for recess on 4th June, 2016 it would imply that sentence and costs will remain suspended till 19th

CROCP no. 3 of 2013(O&M) 10

Chief Judicial Magistrate, Ludhiana is directed to ensure the execution of this order.

Disposed of in above terms.

(Mahesh Grover)
Judge

30.05.2016
rekha

(Sudip Ahluwalia)
Judge