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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 5th July, 2024

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CONT.CAS.(CRL) 1/2023

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Rajesh Mahajan, Amicus.

versus

PRADEEP AGGARWAL

.....Respondent

Through: Mr. Rahul KR. Singh, Mr. Rahul Kumar Kanoujia, Mr. Sanjay Prasad Verma, Ms. Sukriti Verma, Mr. Shashi Bhushan Singh, Advs. (M-8451084791)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

JUDGMENT

PRATHIBA M. SINGH, J.

1. This hearing has been done through hybrid mode.

Background & Procedural History

2. The present contempt reference under the Contempt of Courts Act, 1971 (*hereinafter, 'the Act'*) has arisen from the order dated 19th December, 2022 passed by the Learned Single Judge of this Court in ***W.P.(C) 13482/2021*** titled '***Pradeep Aggarwal v. Govt. of NCT of Delhi***'.

3. The brief background of the present reference is as follows –

The Petitioner in the writ petition, Mr. Pradeep Aggarwal, who is now the Respondent-Contemnor, sought to initiate action against unauthorised construction on certain lands situated in Burari, Delhi. The Respondents in



the said writ petition were various governmental authorities and two private individuals, namely Mr. Ram Niwas Gupta and Mr. Shyam Surender. The prayer in the writ petition was as follows:

- “a) Pass writ, order, direction in the nature of mandamus directing the respondents to take legal action in accordance with the provisions of DMC Act and in terms Office Memorandum dated 25.04.2018 issued by Govt. of India Ministry of Housing and Urban Affairs in respect of continuing unauthorized construction on the property Khasra no.20/12/1(1-17) and 20/19 (4-16) situated at village Burari, more particularly shown in the site plan annexed with the petition.*
- b) pass any other of further order which this Hon'ble Court may deems fit and proper in the facts and circumstances of the case in favour of the plaintiff and against defendant.”*

4. In the said writ petition, vide order dated 15th December, 2021, the Learned Single Judge took note of various allegations made in the writ petition and passed the following interim order:

“CM APPL. 45219/2021 (early hearing)

- 1. Since notice has not yet been issued, the application is allowed. The petition is taken up for hearing today.*
- 2. Application is disposed of.*

W.P.(C) 13482/2021

- 3. Learned counsel for the Petitioner submits that unauthorised colony is being developed on subject agricultural land without any sanction.*

W.P.(C) 13482/2021

- 4. Issue notice. Notice is accepted by learned counsel appearing for respondent no. 1, 3 and 4 as also by counsel for respondent no. 2.*
- 5. Notice shall issue to respondent no. 5 and 6, returnable on 02.08.2022.*

6. In the meantime, respondents, particularly the



concerned SHO, shall ensure that no unauthorized construction activity is permitted in the subject area except in accordance with a sanctioned scheme of the Government for creating plotted development or in accordance with a sanctioned building plan, if any.
7. Next date 07.01.2022 is cancelled.”

5. An application was then filed in the writ petition by the Respondents being **CM APPL.12141/2022** wherein the private Respondent No. 5- Mr. Ram Niwas Gupta took the stand that the Petitioner i.e., the Contemnor himself was guilty of unauthorised construction. Notice was issued in the said application on 10th March, 2022.

6. Thereafter, a second application being **CM APPL.33765/2022** was filed by Mr. Ram Niwas Gupta, seeking dismissal of the writ petition. In the said application, Mr. Ram Niwas Gupta relied on certain transcripts of conversations that occurred on 13th April, 2022 and 27th May, 2022 between Mr. Pradeep Aggarwal and a mutual friend i.e., one Mr. Vijay Kumar Gupta. According to the said conversations, which were transcribed and placed on record with the said application, the Contemnor is stated to have demanded a sum of Rs.50 lakhs for withdrawing the said writ petition. The Learned Single Judge, who was hearing the said writ petition, took note of these allegations in the said application and *vide* order dated 2nd August, 2022 directed the DCP (Crime) to conduct an investigation with regard to the above alleged conversations. The operative portion of the said order is set out below:

“xxx xxx xxx

9. A perusal of the petition would show that the petitioner has claimed himself to be a neighbour of respondent No. 5 and has raised grievance against unauthorised construction stated to be carried out at the behest of respondent Nos. 5 and 6.



10. In view of the above, without commenting on the submissions made on behalf of respondent No.5 at this stage, this Court deems it expedient that an investigation be conducted with regard to the above conversations in accordance with law.

11. Ms. Nandita Rao, learned ASC for GNCTD (Criminal), who is present in Court, submits that the investigation may be referred to DCP (Crime).

12. Accordingly, DCP (Crime) is directed to conduct an investigation with regard to the above conversations stated to be carried out between the petitioner and Vijay Kumar Gupta. Let a report be filed before the next date of hearing.

7. The DCP (Crime) subsequently filed two Status Reports, dated 5th November, 2022, and 1st December, 2022. These reports detailed the investigation conducted and summarised all the facts gleaned from the same. The Contemnor attempted to justify the demand to the Police authorities in the following manner as recorded in the Status Report dated 5th November, 2022:

“12. That during enquiry, Sh. Pradeep Kumar Aggarwal admitted to having those telephonic conversation with Sh. Vijay Kumar Gupta and claimed the demand made by him to Vijay Kumar Gupta recorded in the alleged transcript/conversation was reasonable and legitimate on account of the following reasons:-

a- He had paid Rs.25 lacs as advance money to Sh. Ram Niwas Gupta for land transaction in the year 2009 for which the cases are still pending for 13 years.

b- A frivolous case was filed by Sh. Ram Niwas Gupta vide FIR No. 82/2010 u/s 420 IPC PS Swaroop Nagar regarding selling of land 3905 Sq.Yds in Khasra No. 19/26 Village



Burari for which he had to deposit Rs.23,50,000/- with Hon'ble High Court as condition.

c- He had to incur huge legal expenses for court cases filed and pending in Courts for last 13 years. However, in his statement, he did not explain the reason for mentioning of withdrawal of petition in lieu of money in the alleged telephonic conversation.”

8. The said status report dated 5th November, 2022 also recorded the stand of Mr. Vijay Kumar Gupta as under:

“13-That during enquiry, Sh. Vijay Kumar Gupta stated that he had recorded the conversation held between him and Sh. Pradeep Kumar Aggarwal in which Pradeep Kumar Aggarwal demanded Rs.50 lac for withdrawal of the present petition pending in Delhi High Court. He also stated to have submitted a Certificate us 65B I.E. Act regarding recording and providing of the alleged transcript. Sh. Vijay Kumar Gupta also claimed that he paid Rs.7.20 lac to Sh. Pradeep Kumar Aggarwal (Rs.20,000/- on 25.05.2022 at Massnic Club and Rs.7 lac on 28.05.2022 at VC/DU office). Whereas, Mr. Pradeep Kumar Aggarwal in his statement refused and stated that Mr. Vijay Kumar Gupta has given him only Rs.20,000/-out of his previous other liability Rs.11,75,000/- pending towards him as acknowledged by him through a hand written note dated 04.04.2021. Mr. Vijay Kumar Gupta also stated that he has filed a complaint in this regard at PS Burari on 30.05.2022 but no action has been taken on his complaint so far.”

9. The Status Report also brought to the notice of the Id. Single Judge various other facts which were not brought to the notice of the Court by Mr. Pradeep Aggarwal. The final outcome in the said Status Report is as under:

“1. That during enquiry, Sh. Ram Niwas Gupta



stated that in the year 2000, Sh. Pradeep Kumar Aggarwal sold a piece of land measuring 1326 Sq. Yds in Khasra No. 19126 for total sum of Rs.4,30,000/- to his wife namely Smt. Saroj Gupta and another piece of land measuring 2678 Sq. Yds situated in Khasra No. 20/19 & 20/12/1, Village Burari, Delhi to him for sum of Rs.5,30,000/- through one Rajeev Gulati. The deal was finalized through GPA, Agreement to Sell, Receipt and Affidavit and he had also assured to get the papers registered.

2. That in the year 2006. Pradeep Kumar Aggarwal got the papers registered of the land (6 Bigha and 13 Biswa - total 6698 Sq.Yds.) situated at Khasra No. 20/19 and 20/12/1 in the name of Sh. Ram Niwas Gupta (50% undivided share), Devi Singh (25% undivided share) and Sh. Shyam Narain (25% undivided share). In this purchase, Ram Niwas Gupta got some additional land for which he paid Rs.2,20,000/- more to Pradeep Kumar Aggarwal.

3. That Sh. Ram Niwas Gupta further stated that in the year 2008, it was agreed by the petitioner Sh. Pradeep Kumar Aggarwal to purchase the land i.e. complete share of Sh. Ram Niwas Gupta (50% of the overall property) situated in Khasra No. 20/12/1 (1-17) and 20/19 (4-16) and the land measuring 1326 Sq. Yds situated in Khasra No. 19/26, Burari Village, Delhi for total consideration of Rs.2.75 Crore. Pradeep Kumar Aggarwal paid Rs.1 lac as advance payment on 11.09.2008 to Sh. Ram Niwas Gupta. Full and final payment was to be made by 30.11.2008 but Pradeep Kumar Aggarwal did not make the full and final payment on pretext that the price of land had decreased. In the year 2009 also, Sh. Pradeep Kumar Aggarwal again agreed to purchase the said land for total consideration of Rs. 2,60 Crore and made an advance payment of Rs.25 lacs to Sh. Ram Niwas



Gupta. Balance payment of Rs. 2.35 Crore was to be paid by 23.08.2009, but he again failed to make the due payment, therefore, the deal could not be finalized between them despite sending him two legal notices by Sh. Ram Niwas Gupta. Sh. Ram Niwas Gupta did not produce the copy of the said notices during enquiry.

4. That in his statement, Sh. Ram Niwas Gupta said that in the year 2011, he executed agreement to sell of his share in land in question (in Khasra No. 20/12/1 (1-17) & 2019 (4-16) Village Burari, Delhi] to one Sh. Rakesh Aggarwal but Sh. Rakesh Aggarwal was threatened by the petitioner Pradeep Kumar Aggarwal that sale agreement had already been executed between him and Ram Niwas Gupta with regard to the said land therefore the agreement executed between Ram Niwas Gupta and Rakesh Aggarwal had to cancel mutually. However, Sh. Ram Niwas Gupta did not produce any documents or complaint in this regard.”

10. Subsequently, a second Status Report was placed on record dated 1st December, 2022 placing on record the outcome of the verification of the Call Detail Records (‘CDRs’) and result of the report obtained from the FSL, Rohini, Delhi. The conclusions in the said Status Report are also set out below:

“5- Outcome of the enquiry : It is submitted that :-
a- During enquiry, the Call Detail Record of mobile phone number of Sh. Vijay Kumar Gupta - 9868127493 and Sh. Pradeep Kumar Aggarwal - 9810091429 was obtained, which confirmed the alleged calls between them on the dates and time as mentioned in the transcripts placed with the application by Sh. Ram Niwas Gupta.



6- That during the course of enquiry, the copy of complaint made by Vijay Kumar Gupta to SHO Burari, Delhi on 30.05.2022, was obtained from him.

7- That on the basis of contents of the complaint, FSL report and outcome of the enquiry conducted into the matter, prima facie a cognizable offence under section 384 of IPC is made out against Sh. Pradeep Aggarwal. Hence, a case vide FIR No. 278/2022, dated 29.11.2022, u/s 384/IPC has been registered on the complaint of Sh. Vijay Kumar Gupta at PS Crime Branch, Delhi and further investigation therein is being conducted and under progress.”

11. The Status Report was accompanied by a report by the FSL, Rohini which clearly recorded that the speech samples and the audio recordings match the voice of Mr. Pradeep Aggarwal and Mr. Vijay Kumar Gupta. The results of the said examination are set out below:

“3. RESULTS OF EXAMINATION/OPINION:

The auditory analysis of recorded speech samples of speakers marked "Exhibit-Q1" & "Exhibit-S1" and subsequent acoustic analysis of speech samples by using CSL (Computerized Speech Lab) revealed that the voice exhibits of speaker marked "Exhibit-Q1" are similar to the voice exhibits of speaker marked "Exhibit-S1" in respect of their acoustic cues and other linguistic and phonetic features.

The auditory analysis of recorded speech samples of speakers marked "Exhibit-Q2" & "Exhibit-S2" and subsequent acoustic analysis of speech samples by using CSL (Computerized Speech Lab) revealed that the voice exhibits of speaker marked "Exhibit-Q2" are similar to the voice exhibits of speaker marked "Exhibit-S2" in respect of their acoustic sand other linguistic and phonetic features.”



12. In the background of the above extracted Status Reports and the results from the FSL, Rohini, the Id. Single Judge passed a detailed order and came to the *prima facie* opinion that Mr. Pradeep Aggarwal's conduct constitutes interference with and obstruction of judicial proceedings and the administration of justice, constituting criminal contempt in terms of Section 2(c)(ii) and (iii) of the Act. The relevant portion of the said order is extracted below:

"8. Subsequent thereto, a Status Report has been filed on behalf of respondent No. 1/GNCTD wherein it was stated that during the enquiry, voice samples of the petitioner as well as Vijay Kumar Gupta were obtained and sent to FSL. Further, a statement of Vijay Kumar Gupta was also recorded in which he admitted that the aforesaid conversations were carried between the petitioner and him. He also admitted to recording the said conversations and submitted a Certificate under Section 65B of the Indian Evidence Act, 1872.

9. On the basis of the enquiry conducted, FIR No. 278/2022 under Section 384 IPC has been registered against the petitioner at P.S. Crime Branch.

10. The Status Report further reveals that Vijay Kumar Gupta has 12.5% share in the land in question and the telephonic conversations stated to have taken place between the petitioner and Vijay Kumar Gupta relate to the very same land against which directions are sought in the instant petition. On a plain reading of the transcript of the conversations, ex facie it appears that:

- (a) A demand of Rs.50 lacs is made by the petitioner,*
- (b) Reference is made to proceedings relating to unauthorized construction,*
- (c) An order of the High Court, and*
- (d) Withdrawal of case of unauthorized*



construction after discussing the same with the Counsel, who had filed the present petition.

11. Having perused the transcript of conversations as well as entire material placed on record including the averments made in the writ petition, the counter-affidavit filed on behalf of respondent and the Status Report filed on behalf of respondent No. 1, this Court is of the prima facie view that the conduct of the petitioner is an attempt to interfere and obstruct the judicial proceedings and administration of justice, constituting criminal contempt, as defined under Section 2(c)(ii) and (iii) of the Contempt of Courts Act, 1971.

12. In terms of Section 18 of the Contempt of Courts Act, 1971, let the present matter be placed before Hon'ble the Chief Justice for reference to the Roster Division Bench."

13. In terms of Section 18 of the Act, the matter was thereafter referred to the Division Bench. Notice was issued to the Contemnor, on 9th January, 2023 in the present contempt proceeding to show cause as to why contempt action should not be taken. Reply to the said show cause notice dated 31st July, 2023 has been filed by Mr. Pradeep Aggarwal in which in paragraph 1 he states as under:

"1. At the outset, the Respondent most humbly submits that it has utmost regard and respect for this Hon'ble Court and has never knowingly, intentionally or deliberately attempted to interfere and obstruct the judicial proceedings and administration of justice, constituting criminal contempt under section 2(c) (ii) and (iii) of the Contempt of Courts Act, 1971. However, for any reason, any unintentional action of the Respondent is being considered by this Hon'ble Court



as criminal contempt, then in such circumstances, without prejudice to Respondent's submissions made herein below, the Respondent tenders his unconditional apology before this Hon'ble Court and further undertakes to abide to any order as may be passed by this Hon'ble court."

14. The matter has been heard today Learned Counsel for the Contemnor has made his submissions, as has Mr. Mahajan, the Learned *Amicus*, who was appointed by this Court *vide* order dated 2nd August, 2023. The Contemnor is also present in Court. He is 62 years old and is reported to have undergone bypass surgery.

15. Ld. Counsel for the Contemnor Mr. Rahul Kumar Singh submits that the Contemnor has tendered his unconditional apology in the Court. Without prejudice to his unconditional apology, he submits that contempt proceedings ought not to be initiated against the Contemnor on the following grounds:

- (i) That the certified copies of the transcripts have not been filed along with the application by Respondent No.5 and the same are merely self-serving transcripts;
- (ii) That all the call records of conversations between the Contemnor and Respondent No. 5 have not been produced. It is also submitted that the Contemnor has not been provided with the audio call recordings, and only the transcript has been placed on record.
- (iii) That there is no conclusive proof that money exchange has taken place between the Contemnor and the Respondents.

16. Mr. Mahajan, Ld. *Amicus* also submits that criminal contempt ought not to be initiated in this reference. Mr. Mahajan argues that the history of litigation reveals that there were compromise talks at various stages after the



writ petition came up for hearing. Further, the conversation between the Contemnor and the Respondents do not convey a clear impression that money was tendered exclusively in relation to the withdrawal of the writ petition.

Law relating to Criminal Contempt under the Contempt of Courts Act, 1971

17. The Supreme Court in *Chandra Shashi v. Anil Kumar Verma*, (1995) 1 SCC 421, on the aspect of criminal contempt under Section 2(c) of the Act observed as under:

“6. In Section 2(a) of the Act 'contempt of court' has been said to mean civil contempt or criminal contempt. The latter expression has been defined in Section 2(c) to mean the publication of a matter which, inter alia, interferes or tends to interfere with due course of any judicial proceeding, or interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice.

*7. There being no decision of this Court (or for that matter of any High Court) to our knowledge on this point, the same is required to be examined as a matter of first principle. Contempt jurisdiction has been conferred on superior courts not only to preserve the majesty of law by taking appropriate action against one howsoever high he may be, if he violates court's order, but also to keep the stream of justice clear and pure (which was highlighted more than two and half centuries ago by Lord Hardwicke, L.C. in *St. James Evening Post* case, 1742-2 Atk 469) so that the parties who approach the courts to receive justice do not have to wade through dirty and polluted water before entering their temples. The purpose of contempt jurisdiction was summarised as below by Lord Morris in *Attorney General v. Times Newspapers* 1974 A.C. 273 at page 302: In an ordered community courts are established for the pacific settlement of disputes and for the maintenance of law and order. In the general*



interests of the community it is imperative that the authority of the courts should not be imperiled and that recourse to them should not be subject to unjustifiable interference. When such unjustifiable interference is suppressed it is not because those charged with the responsibilities of administering justice are concerned for their own dignity: it is because the very structure of ordered life is at risk if the recognised courts of the land are so flouted and their authority wanes and is supplanted.

8. To enable the courts to ward off unjustified interference in their working, those who indulge in immoral acts like perjury, pre-variation and motivated falsehoods have to be appropriately dealt with, without which it would not be possible for any court to administer justice in the true sense and to the satisfaction of those who approach it in the hope that truth would ultimately prevail. People would have faith in courts when they would find that (truth alone triumphs) is an achievable aim there; or (it is virtue which ends in victory) is not only inscribed in emblem but really happens in the portals of courts.

9. The aforesaid thoughts receive due support from the definition of criminal contempt as given in Section 2(c) of the Act, according to which an act would amount to be so if, inter alia, the same interferes or tends to interfere or obstructs or tends to obstruct the administration of justice. The word "interfere", means in the context of the subject, any action which checks or hampers the functioning or hinders or tends to prevent the performance of duty, as stated at page 255 of Words and Phrases (Permanent Edition), Volume 22. As per what has been stated in the aforesaid work at page 147 of Volume 29 obstruction of justice is to interpose obstacles or impediments, or to hinder, impede or in any manner interrupt or prevent the administration of



justice. Now, if recourse to falsehood is taken with oblique motive, the same would definitely hinder, hamper or impede even flow of justice and would prevent the courts from performing their legal duties as they are supposed to do.

10. A reference to standard text books on contempt, to wit, C.J. Miller's contempt of Court; Oswald's Contempt of Court; and Anthony Arlidge & David Eady's The Law of Contempt would amply bear what has been stated above; and that if a forged and fabricated document is filed, the same may amount to interference with the administration of justice. Of course, for the act to take this colour there is required to be "an element of deceit or the knowledge of the statement being forged or fabricated. This is what finds place at pages 399 to 401 (2nd Edn.); page 62 (1993 Reprint); and pages 186 and 188 (1982 Edn.) respectively of the aforesaid treatise.

[....]

14. The legal position thus is that if the publication be with intent to **deceive the court or one made with an intention to defraud, the same would be contempt, as it would interfere with administration of justice.** It would, in any case, tend to interfere with the same. This would definitely be so if a fabricated document is filed with the aforesaid mens rea. In the case at hand the fabricated document was apparently to deceive the court; the intention to defraud is writ large. Anil Kumar is, therefore, guilty of contempt."

18. In *Kalyaneshwari v. Union of India* [2011] 6 S.C.R. 774, an NGO, filed a writ petition before the Gujarat High Court seeking the closure and demolition of an asbestos manufacturing unit, alleging it was run by the Respondents. The Gujarat High Court dismissed the petition as it was not genuine. Despite the High Court's judgment, the Secretary of the NGO filed another writ petition before the Supreme Court, challenging the High Court's



decision for not applying its mind. The Supreme Court observed that contempt jurisdiction ought to be unquestionably invoked when the contemnor's actions, intended to erode the system of administration of justice, occur. Such actions need to be strongly deprecated from the outset. The Supreme Court also observed that apology tendered by the Contemnor should be *bona fide* and in actual repentance of the conduct which invited initiation of contempt proceedings. The relevant observations in the decision read as follows:

“3. There is no doubt that at the very initial stage, the Respondents have tendered apology and prayed for dropping of the contempt proceedings. We are not quite certain as to the bona fide and intent of the Respondents in tendering such an apology. For a Court to accept the apology in a contempt action, it is required that such apology should be bona fide and in actual repentance of the conduct which invited initiation of contempt proceedings. Furthermore, the conduct should be such which can be ignored without compromising the dignity of the Court. 'Contempt' is disorderly conduct of a contemner causing serious damage to the institution of justice administration. Such conduct, with reference to its adverse effects and consequences, can't be discernibly classified into two categories: one which has a transient effect on the system and/or the person concerned and is likely to wither away by the passage of time while the other causes permanent damage to the institution and administration of justice. The latter conduct would normally be unforgivable.

4. Institutional tolerance which the judiciary possesses, keeping in mind the larger interest of the public and administration of justice, should not be misunderstood as weakness of the system. Maintaining the magnanimity of law is the linchpin to the wheels of justice. Therefore, in certain cases, it would be



inevitable for the Court to take recourse to rigors of the statute.

5. It is the seriousness of the irresponsible acts of the contemnors and the degree of harm caused to the institution and administration of justice which would decisively determine the course which the Court should adopt, i.e. either drop the contempt proceedings or continue proceedings against the contemner in accordance with law.

6. The apology tendered even at the outset of proceedings has to be bona fide, should demonstrate repentance and sincere regret on the part of the contemner lest the administration of justice is permitted to be crudely hampered with immunity by the persons involved in the process of litigation or otherwise. An apology which lacks bona fides and is intended to truncate the process of law with the ulterior motive of escaping the likely consequences of such flagrant violation of the orders of the Court and disrespect to the administration of justice cannot be accepted. In the case of Prem Surana v. Additional Munsif and Judicial Magistrate MANU/SC/0693/2002 : (2002) 6 SCC 722 this Court sternly reprimanded a contemner who had slapped the Presiding Officer in open court and held that "the slap on the face of the judicial officer is in fact a slap on the face of the justice delivery system in the country and as such question of acceptance of any apology or an undertaking does not and cannot arise, neither can there be any question of any leniency as regards the sentence."

7. The rule of law has to be maintained whatever be the consequences. The 'welfare of people' is the supreme law and this enunciates adequately the ideal of 'law'. This could only be achieved when justice is administered lawfully, judiciously, without any fear and without being hampered or throttled by unscrupulous elements. The administration of justice is dependent upon obedience or execution of the orders



of the Court. The contemptuous act which interfered with administration of justice on one hand and impinge upon the dignity of institution of justice on the other, bringing down its respect in the eye of the commoner, are acts which may not fall in the category of cases where the Court can accept the apology of the contemner even if it is tendered at the threshold of the proceedings.

8. The Black's Law Dictionary (8th edn., 1999) defines 'Contempt' as, "Conduct that defies the authority or dignity of a Court or legislature." It also adds that "Because such conduct interferes with the administration of justice, it is punishable."

9. This special jurisdiction has to be unquestionably invoked when the offending acts are intentional by the contemner at the cost of eroding the system of administration of justice which practice is necessarily required to be deprecated at the very initial stage. 10. In the case of Aligarh Municipal Board v. Ekka Tonga Mazdoor Union MANU/SC/0075/1970 : (1970) 3 SCC 98, this Court said that it is the seriousness of the irresponsible acts of the contemnors and the degree of harm caused to the administration of justice which would decisively determine whether the matter should be tried as a criminal contempt or not.

21. It is a settled principle of law that contempt is a matter primarily between the Court and the contemner. The Court has to take into consideration the behaviour of the contemner, attendant circumstances and its impact upon the justice delivery system. If the conduct of the contemner is such that it hampers the justice delivery system as well lowers the dignity of the Courts, then the Courts are expected to take somewhat stringent view to prevent further institutional damage and to protect the faith of the public in the justice delivery system. In the case of Advocate-General, State of Bihar v. Madhya Pradesh Khair Industries



MANU/SC/0504/1980 : (1980) 3 SCC 311, this Court took the view that abuse of the process of court, calculated to hamper the due course of judicial proceedings or the orderly administration of justice, is contempt of court. Where the conduct is reprehensible as to warrant condemnation, then the Court essentially should take such contempt proceedings to their logical end. There cannot be mercy shown by the Court at the cost of injury to the institution of justice system.

23. Despite this, the Court has to keep in mind that there is a duty upon the courts to eliminate the cause of such litigation. The maxim *Justitia est duplex, viz., severe puniens, et vere praeveniens* by its very virtue imposes dual obligation upon the Courts of considering various facets of severe punishment on the one hand and really and efficiently preventing crime on the other, with the ultimate object of maintaining the dignity of law. In other words, the Court has to balance the quantum of punishment keeping in view the seriousness of the offence committed by the contemnors. Repeated contemptuous behaviour of the contemnors before the Gujarat High Court as well as this Court certainly needs to be deprecated and punished in accordance with law. Even if we were to take somewhat liberal view, still it is the duty of this Court to ensure that such unscrupulous and undesirable public interest litigation be not instituted in the Courts of law so as to waste the valuable time of the Courts as well as preserve the faith of the public in the justice delivery system.

19. In the present case, the status reports filed by the police reveal quite an alarming situation wherein the writ petitioner i.e., contemnor was in talks for purchase of the property and was in fact trying to drive the price of the land down. He clearly used the filing of the writ petition as another weapon in his armour to try and get the price reduced for the land. Such conduct of any



person to abuse the judicial process cannot be ignored or left unpunished. The Court has perused the transcripts annexed with **CM APPL.33765/2022**, as well as the conversations and Status Reports. There is no iota of doubt, after perusing the transcripts, that the Contemnor demanded money to withdraw the writ petition. though clearly, no money appears to have been passed to the Contemnor. The fact that the Contemnor was willing to negotiate and extract money from the Respondents for the withdrawal of the writ petition is, in the opinion of this Court, completely contemptuous. It shows utter disregard and abuse of the Court's process, which the Court cannot condone.

20. Considering the fact that the Contemnor raised allegations of unauthorised construction and thereafter in order to withdraw the writ petition and to enable the Respondent to sell the property, he was willing to accept money. In fact, the Contemnor has also on the basis of various allegations made by him in the writ petition obtained an interim order from the Court. All this conduct does not deserve to be condoned.

21. The present reference exemplifies the principles underlying the law on criminal contempt as provided in Section 2(c) of the Act, particularly the need to uphold the integrity of the judiciary and the legal process. The law on contempt serves to protect the authority and dignity of the Court against acts that grossly disrespect or impede its functioning. Contemnor's acts of filing of the writ petition for personal gain is clearly an attempt to leverage the judicial system for his personal gain. Such acts not only challenge the authority of the Court but also undermine public confidence in the fairness and impartiality of the judicial process.

22. Accordingly, this Court holds the Contemnor-Mr. Pradeep Aggarwal, guilty of contempt of Court under Section 12 of the Contempt of Courts Act,



1971. However, considering the medical condition and age of the Contemnor, who has also expressed remorse and apologised for his conduct, the Court takes a lenient view on the sentence to be awarded.

23. The Contemnor is accordingly sentenced to remain in the Court till the rising of the Court today. In addition, the Contemnor shall deposit a sum of Rs.1 lakh to the Delhi High Court Legal Service Committee. Let the deposit be made within a period of one week in the below details:

***Bank Name: UCO Bank
Branch Name: High Court, Delhi
A/c: 15530110008386***

24. The contempt reference is disposed of in these terms. All pending applications, if any, are also disposed of.

25. At the time of signing of this order, we are informed by the Court Master attached with this Court that the Respondent-Contemnor was present till the rising of the Court.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 05, 2024

Rahul/dn

(corrected & released on 9th July, 2024)