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* IN THE HIGH COURT OF DELHI AT NEW DELHI
Date of decision: 6th November, 2024
[Corrigendum as per order dated 7th November, 2024]

+ CONT.CAS.(CRL) 5/2024 & CRL.M.A. 33228/2024
COURT ON ITS OWN MOTIONPetitioner

Through:

versus

SANJEEV KUMARRespondent

Through: Mr. Sanjeev Kumar - Contemnor /
Respondent in Person.
Mr. Varun Goswami, Amicus Curiae
Mr. Hritik Chaudhary, Mr. Sahil
Agarwal and Mr. Rajesh Singh, Advs.
Mr. Aman Usman, APP.
Inspector Surender, SI Dharm Singh.
PS Hauz Khas.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

Prathiba M. Singh, J (Oral)

1. This hearing has been done through hybrid mode.
2. Sanjeev Kumar - the Contemnor had filed ***Crl. M.C. 545 of 2024*** challenging the order dated 10th October, 2023 passed by the Id. ASJ, South East, Saket District Courts, in ***Crl. Rev no. 507 of 2023***. The said revision petition was filed against order dated 24th July, 2023 passed by Id. Metropolitan Magistrate, South East, Saket District Courts in ***CC No. 1248/2019***. The Contemnor had filed the said complaint before the Id.



Metropolitan Magistrate under Section 200 of CrPC in which application under Section 156(3) of the CrPC was also filed.

3. The case of the Contemnor was that his wife Ms. X had disclosed to him long ago that when she was studying in Grade 11 and was aged 16 years she had been raped by her cousin. The Contemnor and his wife had matrimonial disputes which led to filing of complaints and cross complaints. One of the complaints filed by the Contemnor was for investigation of this alleged rape incident which was allegedly disclosed to him by his wife prior to the matrimonial dispute. According to the Contemnor, the said incident was in fact an offense for which he lodged the complaint. Further, as per Contemnor, investigation ought to have been undertaken by the Police and an FIR should have been lodged.

4. The complaint was considered by the Id. MM before whom an application under Section 156(3) was also filed. The Id. MM also called for an Action Taken Report. Vide order dated 24th July, 2023, the complaint of the Contemnor was dismissed. A perusal of the order dated 24th July, 2023 passed by the Id. Metropolitan Magistrate would show that after the recording of the allegations made by the Contemnor, the Id. Metropolitan Magistrate called for an action taken report from the SHO concerned. In terms of the said action taken report, the concerned SHO had enquired from the wife on her mobile phone on 17th May, 2021 and 15th July, 2021. She stated clearly that the alleged incident which is being made the basis of the complaint has never happened. The findings of the Id. Metropolitan Magistrate are set out below:

*“5. As per the ATR, when ‘X’ was enquired on her mobile phone no. *****0406 on date 15.07.2021 and 17.05.2021, she disclosed that nothing of the sort as alleged by the complainant had ever happened. She further submitted that*



the complainant himself started harassing her for dowry demands and harassed her physically. She further stated that she had already filed DV proceedings, maintenance cases and divorce petition. She further stated that her husband just wants to defame her and she outrightly denied any allegation against her cousin.

10. Coming back to the facts of the case, it is pertinent to mention that the complainant has presumed the offence from the conversation that he alleged had with 'X' his wife soon after the marriage, where she allegedly disclosed regarding the rape by her cousin Arvind Singh. The complainant has further relied on the alleged conference call between the mother of the 'X' and 'X' recorded on complainant's phone, where she had mentioned that 'unhone (alleged no. 1) jab kiya tha tab meri virginity lose huyi thi' (sic).

11. It is also pertinent to note that the alleged conversation between the complainant and 'X' is a privileged communication and is barred under section 122 Indian Evidence Act, 1872 (hereinafter referred to as "I.E.A." for the sake of brevity). Besides, it is also in the nature of hearsay evidence. Besides, as per the ATR, 'X' had herself denied any such incident."

5. It is clear from the above findings, that in order to controvert the said action taken report, the Contemnor sought to rely upon some telephonic conversation which he had recorded clearly without the consent of the wife. It is also seen from the aforesaid order that the Id. Metropolitan Magistrate has distinguished the facts of the present case from ***XYZ vs. State of Madhya Pradesh, Criminal Appeal No. 1184/2022 decided on 5th August , 2022*** passed by the Hon'ble Supreme Court, relied upon by the Contemnor, by observing that no allegation exists in the present case which would compel the Court to use the powers under Section 156 (3) of Cr.P.C., The Id. Metropolitan Magistrate also notes that the wife herself had not made any complaint in this regard, hence the application was dismissed *vide* order dated 24th July 2023.



6. The said order dated 24th July 2023, was challenged in revision before the Id. Sessions Judge. *Vide* order dated 10th October, 2023, the Revision Petition was dismissed on the ground *inter-alia* that since the wife herself had never bothered to set the criminal law in motion the complaint cannot be registered on the basis of hearsay evidence. Thereafter, the said order was challenged before the Id. Single Judge of this Court in ***Crl. MC 545 of 2024***. It is pertinent to note that the Contemnor subsequently filed complaints against Id. Metropolitan Magistrate and Id. ASJ who passed the aforesaid orders.

7. The Id. Single Judge, vide a detailed order dated 23rd January, 2024 of this Court recorded in detail the various facts, allegations, findings of the Id. Metropolitan Magistrate and the Id. Sessions Judge. The Id. Single Judge came to the conclusion that the wife of the Contemnor is under no handicap to come forward with her allegations and that the Contemnor himself has no *locus-standi* to file such a complaint. The observations of the Id. Single Judge are set out below.

“8. *Petitioner who has appeared in person and has claimed himself to be an practicing advocate at Saket District Courts, has been heard at length. Record examined 10. It is needless to mention here that as held by Hon’ble High Court of Delhi in Subhkaran Luharuka & Anr. vs State & Anr. Criminal MC no. 612223/2005 decided on 9 July 2010 where the entire evidence is within power and possession of the parties then no police investigation or collection of evidence is required. Hence, the Magistrate should not pass directions for registration of FIRs in such cases as a routine matter.*

11. *Keeping in view the fact that the offence alleged of has not been described anywhere in terms of date, time and place by the petitioner and the so called victim had denied*



such occurrence in toto, hence, even commission of a cognizable offence in this matter is also suspicious and doubtful. Hence, I do not find any illegality or infirmity in the impugned order of Ld. MM warranting an interference by this court in exercise of its revisional powers and jurisdiction.”

8. The said petition was accordingly dismissed.
9. The Contemnor filed a ***Criminal Review Petition 120/2024*** seeking review of the aforesaid order 23rd January, 2024 of the Id. Single Judge of this Court. On 9th May, 2024 the matter was listed for consideration of ***CRL. M.A. 14339/2024*** seeking passing of final order in the said Review Petition. The Id. Single Judge records in his order of 9th May, 2024 that the Contemnor had posted certain comments in the Chat Box of the Video Conferencing platform *i.e.*, Cisco Webex, during the course of proceedings conducted by the said Id. Single Judge on 06th May, 2024. The said comments were placed on record by the concerned Court staff. It is also noted by the Id. Single Judge that the Contemnor's matter was not listed on the said date *i.e.*, 6th May, 2024. The observations of the Id. Single Judge in the said order are reproduced hereunder:

“4. It has been brought to the notice of this Court that comments were placed in the Chat Box by the petitioner during the course of proceedings through Video Conferencing on 06.05.2024, as placed on record by the Court staff, though the case was not listed on aforesaid date. The same are hereby reproduced for reference:

*“from Sanjeev to everyone: 5:03 PM
when my cases has fix for hearing why my
all matter not hear by this court. There is
something wrong
Sanjeev Kumar vs state
9958300477”*



*“from sanjeev to everyone: 5:08 PM
tomorrow my case is list hope this court
will pass the order on merit without
pressure of bar members review no
120/2024*

*“Sanjeev Kumar vs state
tomorrow is fix
but this court is slow to hear my cases
Jo darta hai wo kabhi justice nhi kar
payega”*

*“from sanjeev to everyone: 5:20 PM
Sanjeev Kumar vs state ke case list hote hai
court 3pm hi uth jati hai
janboojhkar slow slow hearings karti hai
9958300477
galat order pass karti hai
pandit ki tarah bhavishya vani karti
hai...Without merit order pass karti hai”*

*“from sanjeev to everyone:
5:25 PM case jada hai toh Hon'ble chief
justice of Delhi HC se aur case allocated
mat karwao ish court ko...pahle old
backlog finish kar lo”*

*“from sanjeev to everyone: 5:32 PM
05:31 PM right now
Mere cases na sunne ke liye bar members
ka pressure”*

*“from sanjeev to everyone: 5:33 PM
Kal bhi yahi hoga mere case m lekin no
settlement
From sanjeev to everyone: 5:33 PM no
case will settlement...Sanjeev Kumar vs
state”*



*“from sanjeev to everyone: 5:34 PM
mujhe harassment karne ki mat socho sab
bekar hai”*

10. The Id. Single Judge came to the *prima facie* conclusion that the comments of the Contemnor amount to criminal contempt and gave a show cause as to why contempt action ought not to be taken. At that stage, the Contemnor again sought to make comments in the chat box as under:

“7. At this stage, petitioner submits that he wishes to withdraw the Review Petition from this Court and seeks to file SLP before the Hon’ble Supreme Court in respect of which the reference has also been made in Chat Box. The same is reproduced for reference:

*“from sanjeev to everyone: 2:00 PM
item no.61
Sanjeev Kumar v. State
Sanjeev Kumar in person*

The petitioner wishes to withdraw his review petition from this Hon’ble court and wants to file SLP before the Hon’ble Supreme Court.

This Hon’ble High Court should not be motive to keep the petition against the wishes of the petitioner.

It is principle of natural justice that when petitioner complains of this Hon’ble Court then this Hon’ble Court is duty to transfer all the petition of the petitioner immediately to another Court.

8. This Court is of the considered opinion that petitioner can always exercise the remedies available to him in accordance with law but the same does not give liberty to make contemptuous allegations and undermine the



authority of the Court.”

It is noted that on 9th May, 2024, the review petition was withdrawn by the Contemnor with the liberty to approach the Supreme Court.

11. Thereafter, the Contemnor filed his reply dated 14th May, 2024 to the show cause issued by the Id. Single Judge in respect of the comments posted in the Chat Box by the Contemnor. The said reply was considered by the Id. Single Judge on 15th May, 2024 and it was noted that even in the reply the Contemnor has made contemptuous statements and baseless allegations against various judicial officers. It was also observed by the Id. Single Judge that the contents of the said reply make it clear that the Contemnor is in the habit of filing complaints and defaming district Judges, who may have passed adverse orders against the Contemnor. Further, the Id. Single Judge has referred to Paragraphs 42 to 44 and 69 of the reply filed by the Contemnor to highlight few of the contemptuous statements:

*“42. That the Rishabh Tanwar, Metropolitan Magistrate has dismissed the application under section 156(3) CRPC on 24.07.2023 of CC 1248/2023 without single comment on evidences. **Then the petitioner has filed a complaint under section 156(3) CRPC and CT Case no.1572/2023, titled as Sanjeev Kumar vs Rishabh Tanwar before the Hon'ble Chief Metropolitan Magistrate, South District, Saket Court against the Rishabh Tanwar under section 156(3) CPRC for misconducting in his duty and favour to the accused persons under criminal conspiracy. Thereafter, Rishabh Tanwar has transfer immediately his job to south district for evading the arrest.***

43. That Mr Anoop Kr Mendiratta is guilty for not performing his duty as a High Court and ignore the submission of the petitioner that ASJ has failed to apply



his judicial mind to consider the fact that the petition filed by the petitioner against the state, accused 2, accused 3 and accused no.4 i.e. SHO/IO. But District & Session Judge did not issued notice to SHO/IO. Then the petitioner has filed a complaint under section 156(3) CRPC and CT Case no. 1730/2023, titled as Sanjeev Kumar vs Madhu Jain before the Chief Metropolitan Magistrate, South District, Saket Court against Madhu Jain under section 156(3) CPRC for misconducting in her duty and favour to the accused persons. Thereafter, Madhu Jain has transfer immediately her posting to south district for evading the arrest.

44. That after petition of the petitioner has been transfer to LKS Additional Session Judge, South East, Saket Court for adjudicate the case. But LKS has come in the court after threatened to the petitioner that “you no knowledge of law, Sanskrit bhasha me likha hai, rape tumari wife ka hua hai tum kon ho khamakhha”. LKS ask to VS kya kama hai while VS was not party of opposite side. How LKS allow to VS, President of Saket Bar Association. Thereafter LKS has dismissed the revision petition no 507/2023 on order dated 10.10.2023 without single comment on evidences under the guidance of VS. Thereafter the petitioner has email all the courts email ids that if “agar koi LKS ki wife ka rape kar de toh LKS chup chap baith sakta hai aur aap kha ma kha mat banana” “aaram se roti kha kar so jana” In this regard, a complaint is pending before BCD without locus standi. It is pertinent to mention here that petitioner is free to file case against LKS for misconducting in his duty and Pressuring to a petitioner for settlement.

In the last para of the order LD ASJ stated that “However, keeping in view that petitioner is a member of BAR claiming himself to be a practicing advocate at



Saket District Court, no costs are imposed upon him.”

Because the subject matter of the instant application pertains to the protection of the fundamental rights guaranteed under Part III of the Constitution of India and is therefore, within the jurisdiction of this Hon'ble Court under the Constitution of India. All Citizen of India are equal but Id. ASJ Mr.LKS records in his order inequalities, against the equalities provide by the Constitution of India.

It mean Mr. VS, President, Saket Bar Association had ordered to LD ASJ dismiss my petition without going on facts of the case. Why VS had argued in my case while he was not a counsel for accused side and his vakalatnama was not filed. What is this? He is a Bar President or he is a mediator. It is my humble request to this Hon'ble Court pleased to be passed a direction to all High Courts and all District Courts that no member of any bar will be allow without their locus standi in a case otherwise it will injustice to opposite party. OR victim belong to Schedule Caste Commimity so that LD ASJ did not want to give justice.

69. That the victim, Viri Singh, Amar Kaur, Shyam Yadav, Sunil Yadav, Satish Lohia, Archana, Preeti, Rishabh Tanwar, Madhu Jain, Vrinda Kumari, Vijayashree Rathore, Narottam Kaushal, Anirij, Lokesh Kumar Sharma, Kiran Pal and other persons has made fool to entire Judicial System along with Hon'ble Chief Justice of Delhi High Court and Hon'ble Supreme Court of India, all are liable to be punished for criminal contempt of court.”

(emphasis supplied)

12. Considering the aforesaid, the Id. Single Judge finally directed the matter to be registered as a criminal contempt and referred the matter to this



Court.

13. The present contempt petition has been heard by this Court on several dates. The contention of the Contemnor in the present case was that no investigation has been done till date in respect of the allegation of rape qua his wife. The police have also failed to take any proper action against the so-called perpetrator. He had contended that his wife has not been enquired and neither her statement has been recorded, as also no FIR has been registered on his complaint.

14. The Id. *Amicus Curiae* – Mr. Varun Goswami who has been appointed by the Court has shown the manner in which the Contemnor has conducted himself before various judicial forums. Repeatedly, the Contemnor has filed various complaints, petitions, revisions against his wife and her family. In addition, whichever judicial officer has dealt with any matter related to the Contemnor, complaints have been filed by the Contemnor seeking action against the said judicial officers. It has also been brought to the notice of this Court that the Contemnor has made baseless allegations against sitting Judges of this Court as well.

15. On the previous date *i.e.*, on 26th September, 2024, submissions were heard on behalf of the Contemnor and on behalf of the Id. *Amicus Curiae*. It was also pointed out to the Court by the Id. *Amicus Curiae* that the Contemnor is in the habit of filing repeated complaints against Judicial Officers and in view, therefore, the Court directed as under:

“8. Let Mr. Sanjeev Kumar file a list of all the cases, along with copy of complaint/affidavit, that he has filed in the Delhi District Courts either under Section 156(3) of the CrPC or under any other provision, as also all complaints made to any other concerned authority



against judicial officer, police personnel or a public functionary, so that this Court could have a comprehensive look at the matters.

9. Let the aforesaid be filed by 7th October, 2024 with advance copy to ld. Amicus.

10. The worthy Registrar General of this Court is also requested to obtain a complete list of all the cases which have been filed by the Mr. Sanjeev Kumar against the judicial officers, police personnel or any other public functionaries, and place the same along with a short synopsis on record by the next date of hearing. ”

16. Pursuant to the said order dated 26th September, 2024, the Worthy Registrar General has placed on record a report giving the details of the various complaints which were filed by the Contemnor and the status of the same which is recorded below:

Delhi High Court

S.No	Case	Party Name	Status	Remarks
1.	C.R.P. 94/2021	Hari Ram vs. Lekhi Ram	Disposed of	As advocate
2.	C.R.P. 162/2023	Hari Ram vs. Lekhi Ram	Disposed of	As advocate
3.	CRT. A. 1017/2023	P vs. State of NCT of Delhi	Disposed of	As advocate

District Courts

Status of cases filed by Mr. Sanjeev Kumar in Delhi District Court

S.No.	Case No. and Case title	Date of Institution	Date of Decision and Nature of Disposal	Name of the Court	Brief Synopsis
1.	Case No. 1572/2023 PS: Saket Titled as Sanjeev	12.09.2023	Dismissed on 21.10.2023	Ms. T. Priyadarshini, ACJM, South District.	An application was filed under Section



	Kumar Vs. Rishabh Tanwar (the then Ld. JMFC, South-East District, Saket Courts.)				156(3) of the Cr.P.C. for registration of FIR against the Ld. Presiding Judge on aspects pertaining to discharge of Judicial functions. The said application was dismissed vide reasoned order dated 21.10.2023.
2.	Case No. 1730/2023 PS: Saket Titled as Sanjeev Kumar Vs. Madhu Jain (the then Ld. PDJ, South-East District, Saket Courts.)	04.10.2023	Dismissed on 21.10.2023	Ms. T. Priyadarshini, ACJM, South District	
3.	Case No. 1729/2023 PS: Saket Titled as Sanjeev Kumar Vs. Chetna Singh & Ors. (the then Ld. JMFC, South-East District, Saket Courts.)	04.10.2023	Dismissed on 21.10.2023	Ms. T. Priyadarshini, ACJM, South District.	

South East, Saket						
S.No.	Case No.	Title	U/s	Status	DOD	Decision
1	Cr. Rev. 507/2023	Sanjeev Kumar Vs. State	397 Cr.P.C. R/w Section	Disposed of	10.10.2023	Dismissed



		NCT of Delhi & Ors.	216 of Cr.P.C.			
2	Complaint Case No. 1248/2023	Sanjeev Kumar Vs. Arvind Kumar & Ors. *SHO is a party in this Case.	U/s 200 and 156(3) of Cr.P.C.	Disposed of	25.09.2024	Dismissed

Other Districts

1.	Central District, Tis Hazari Courts (HQ)	No Such Cases
2.	New Delhi District, Patiala House Court	No Such Cases
3.	East District, Karkardooma Court	No Such Cases
4.	North-East District, Karkardooma Court	No Such Cases
5.	Shahdara District, Karkardooma Court	No Such Cases
6.	North District, Tis Hazari Court	No Such Cases
7.	North-West District, Rohini Court	No Such Cases
8.	South West District, Dwarka Court	No Such Cases
9.	CBI District, Rouse Avenue Court.	No Such Cases

17. In addition, the Contemnor has also himself placed on record a large number of complaints which he has filed against various judicial officers which shows that the Complainant is in the habit of making baseless allegations against judicial officers who have dealt with his cases. A total of 24 complaints have been made against various judicial officers who have dealt with the Contemnor's matters. The said documents have been annexed along with the application ***Criminal Miscellaneous 33228/2024*** as annexures. The details of the annexures and the judicial officers/judges against whom complaint have been filed are:



- Annexure P-2 (Mr. Rishabh Tanwar, Id. MM, South-East, Saket),
- Annexure P-3 (Madhu Jain, Id. CMM, South, Saket),
- Annexure P-4 (Mr. Lokesh Kumar Sharma, Id. ASJ, South-East, Saket),
- Annexure P-5 (Ms. Chetna Singh, Id. ASJ, South-East, Saket),
- Annexure P-6 (Ms. Leela Bisht, Id. MM, South, Saket),
- Annexure P-7 (Mr. Pritam Singh and Ms. Shunali Gupta, Family Court, South, Saket),
- Annexure P-9 (Mr. Pritam Singh, Additional Principal Judge, Family Court, South, Saket),
- Annexure P-10 (Hon'ble Mr. Justice C.D. Singh, Judge, Delhi High Court),
- Annexure P-11 (Hon'ble Mr. Justice Rajnish Bhatnagar, Judge, Delhi High Court),
- Annexure P-12 (Mr. Rishabh Tanwar, Id. MM, South-East, Saket),
- Annexure P-13 (Hon'ble Mr. Justice Saurabh Banerjee, Judge, Delhi High Court),
- Annexure P-14 (Hon'ble Mr. Justice Amit Bansal, Judge, Delhi High Court),
- Annexure P-20 (Mr. Sudesh Kumar, Id. ASJ, South, Saket),
- Annexure P-21 (Ms. Tanya Bamniyal, Id. MM, South, Saket),
- Annexure P-23 (Mr. Sudesh Kumar, Id. ASJ, South, Saket),
- Annexure P-24 (Ms. Tanya Bamniyal, Id. MM, South, Saket),
- Annexure P-25 (Mr. Praveen Kumar, Id. Principal Judge, Family Court, South, Saket),
- Annexure P-26 (Ms. Tanya Bamniyal, Id. MM, South, Saket),



- Annexure P-27 (Dr. Yadvender Singh, Id. ADJ, South, Saket),
- Annexure P-33 (Ms. Rashi Raheja, Id. MM, Mahila Court, South, Saket)
- Annexure P-44 (Ms. Twinkle Wadhwa, Id. ADJ, South-East, Saket).

In addition, complaints have also been made against various police officers, SHOs and other authorities. By way of illustration, some of the baseless allegations made by the Contemnor against the sitting Judges of this Court and other judicial officers are extracted hereinbelow:

Sr. No.	Case & Name of the Judge	Contemptuous Acts of the Contemnor	Corresponding Case before this Court
1.	Case: CRL.M.C. 545/2024 Judge: Lokesh Kumar	Email Dated: 30 th November, 2023 <i>Sent to: Various District Courts, Government agencies and Chief Minister of Delhi</i> <i>जब मेरी पत्नी का rape case Mr Lokesh kumar sharma Additional Session Judge South- East District Saket court की कोर्ट में लगा तो Mr Lokesh Kumar Sharma ने मुझे बोला की तुम क्यों केस डाल रहे हो। ये तो वही बात हो गयी कि मैं कोन खामखा!</i> <i>Mr Lokesh Kumar Sharma जब कभी कोई आपूकी पत्नी का rape कर दे तो आप कोई केस मत डालना और खामखा मत बनना! Chupchap roti</i>	W.P. (Crl.) No. 1894/2024



		<i>khakar so Jana.</i>	
2.	Case: Ct. Case No. 592/2018	Email Dated: 22 nd July, 2022 To:	Crl. A. 171/2022
	Judge: Vrinda Kumari	<i>I moved an application for cancellation of bail of accused Shyam Yadav and same was heard by Ms Vrinda Kumari ASJ02 South Saket Court Delhi Today I just saw the online order sheet but Ms Vrinda Kumari ASJ02 intentionally not mentioned my application in her order sheet dated 21-07-2022 It is totally favour to accused Shyam Yadav who give four time wrong address before Hon'ble Court and he can kill me at any time</i>	Crl. A. 160/2023
3.	Case: Cr Rev No. 45/2023	Email Dated: 8 th September, 2022	Crl. M.C. 4315/2023
	Judge: Sh. Narottam Kaushal	<i>I said to Alka I will complain to bar president vinod sharma and Charan Singh Verma. Then my wife Alka speaks, only after speaking to vinod sharma and Charan Singh Verma, got the file disappeared from Narottam Koushal District Judge. After that Alka tells that she meets all these people in Lajpat</i>	



		<i>Nagar. Appropriate legal action should be taken for this conspiracy, missing file and getting them done, working against advocacy act against Vinod Sharma, Charan Singh Verma and Narottam Koushal.</i>	
4.	Case: CT Case No. 2351/2019 Judge: Vijayashree Rathore	Email Dated: 24 th November, 2023 <i>Today our case State vs Vikas is fixed for order but it is not appear in cause list.</i> <i>Last date of hearing you said that make settlement, nothing else from these court cases.</i> <i>It is your bad intention to pressure us for settlement with accused persons and deliberately disappear our file each and every dates. Requesting you to please do the needful as per provision of law in the interest of justice</i>	W.P. (Crl.) 1241/2024
5.	Case: CRL.A No. 160/2023 Judge: Justice Rajnish Bhatnagar	Letter Dated: 4 th September, 2023 <i>To: Hon'ble Chief Justice, Hon'ble High Court of Delhi, New Delhi</i> <i>That my case was listed on 01-09-2023 before Mr. Rajnish Bhatnagar, Justice, Hon'ble High Court of Delhi in which I was present for hearing under section 14A of SC/ST Act in the case titled as "Sanjeev Kumar vs State & Ors i.e. CRL.A No.</i>	



	<i>160/2023. Mr. Rajnish Bhatnagar did not listen my case and intentionally made a comment upon my advocate band, how can you comes in my court after wearing the advocate band. After this all the court staffs, advocates, parties alongwith Mr. Rajnish Bhatnagar laughing upon me and my advocate band.</i> <i>Mr. Rajnish Bhatnagar has jealous that how a person can wear the advocate dress before him who's belonging to a Schedule Caste Community.</i> <i>Then I did request to Mr. Rajnish Bhatnagar, that, Sir if you wanted, I will not come after wear the advocate band in next time. But Mr. Rajnish Bhatnagar did not listen my case due to I belonging to a Schedule Caste Community, while provision of law said SC/ST Case should be decided within six months. It was submitted that all facts and prima facie evidences were sufficient to order to be punish the accused. It is totally contempt of court and violation of provision of law.</i> <i>It is pertinent to mention here that Mr. Rajnish Bhatnagar has declined to me listen with comment that today we are not listing the appeal matter. Mr. Rajnish Bhatnagar ordered to Court Master put a next date with hear to me.</i>	
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6	Case: CRL. M .C. 4315 / 2023 Judge: Justice Saurabh Banerjee	Letter dated: 6th September, 2023 To: Hon'ble Chief Justice, Hon'ble High Court of Delhi, New Delhi That my case was listed on 04.09.2023 before Mr. Saurabh Banerjee in which I was present as an appellant in the case titled as "Sanjeev Kumar vs State of NCT of Delhi & ANR i.e. CRL. M .C. 4315 / 2023. Mr. Saurabh Banerjee did listen to all the matter listed on 04.09.2023, when my case number would come, Mr. Saurabh Banerjee stands up from his seat then I requested to him that I have prima facie evidence alongwith Order sheet of District & Session Judge, South East, Saket Court, Delhi but Mr. Saurabh Banerjee refused to listen my case. It is partiality against the citizen of India or it is a money setting with opposite party or it is casteism because I belong to a schedule caste community. My complaint is very serious against the Mr. Saurabh Banerjee. Please go through judicial records. Only my case was unheard on 04.09.2023 and it is a criminal conspiracy . I have full prove that other Judges of Other Courts also involve in this criminal conspiracy .	
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has not expressed any apology and his entire conduct is merely an attempt to scandalize and malign the Courts. Such a conduct on behalf of the Contemnor, especially, someone who is qualified as an Advocate cannot be left unpunished.

19. The deplorable and derogatory language used by the Contemnor are clearly contemptuous against the Judicial Officers, Judges and Court. The same cannot be condoned or ignored and neither can the conduct of the Contemnor go unpunished. The Contemnor has deliberately kept several Courts occupied in his frivolous and baseless allegations, where he has only attempted to settle scores with his wife and his wife's family.

20. The wife and her family have also made several complaints against the Contemnor. The above-stated frivolous complaints against the wife and her family by the Contemnor appear to be a counter-blast. In the course of such complaints the Judicial Officers who have dealt with even small applications have not been spared and have been made the target of various complaints which have been filed.

21. The Id. Single Judge who had considered the entire matter on merits on 25th January, 2024 was also not spared. The fact that hybrid hearings which are meant to assist litigants and advocates are in fact being misused to put such derogatory remarks in the chat box, leaves no manner of doubt in the mind of the Court that the Contemnor is liable to be punished for criminal contempt. The law on criminal contempt is well settled.

22. This Court in ***Court On Its Own Motion Versus Sanjay Rathod (Advocate) (2024:DHC:6390-DB)***, observed that in cases where the conduct and language used by the Contemnor scandalizes the Court, interferes in the administration of justice, the same shall be considered to be contempt on the



face of the Court. The relevant paragraphs are extracted hereinbelow:

*“15. This question has been squarely answered in both the decisions cited by the Ld. Amicus. In **Bathina Ramakrishna Reddy vs. State of Madras** (supra) the Supreme Court while deciding on the corresponding provision i.e. Section 2(3) of the Contempt of Courts Act, 1926, held that the jurisdiction of the High Court in such cases is only barred where the acts that constitute contempt of a subordinate Court are punishable as contempt under specific provisions of the Indian Penal Code and not where these acts amount to offences of other description for which punishment has been provided for in the Indian Penal Code. The relevant portion of the said judgment is extracted hereinunder:*

“10. In our opinion, the sub-section referred to above excludes the jurisdiction of the High Court only in cases where the acts alleged to constitute contempt of a subordinate court are punishable as contempt under specific provisions of the Penal Code but not where these acts merely amount to offences of other description for which punishment has been provided for in the Penal Code. This would be clear from the language of the sub-section which uses the words “where such contempt is an offence” and does not say “where the act alleged to constitute such contempt is an offence”. It is argued that if such was the intention of the legislature, it could have expressly said that the High Court's jurisdiction will be ousted only when the contempt is punishable as such under the Penal Code. It seems to us that the reason for not using such language in the sub-section may be that the expression “contempt of court” has not been used as description of any offence in the Penal Code, though certain acts which would be punishable as contempt of court in England, are made offences under it.”

*16. In **Daroga Singh and Others v. B.K. Pandey** (supra) the Supreme Court further reiterated the law laid down in **Bathina Ramakrishna** (supra) with respect to*



Section 10 of the Contempt of Courts Act, 1971. In this case, the contention of the Appellants therein was that the allegations of contempt made in the said case amounts to an offence under Section 228 of the Indian Penal Code and consequently, the jurisdiction of the High Court is barred. The Supreme Court did not find force in this contention and held that jurisdiction of the High Court to take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it is barred only in cases where the alleged acts that constitute contempt are punishable as contempt under specific provisions of the Indian Penal Code, but not where these acts merely amount to offences of other description for which punishment has been provided in the Indian Penal Code. The relevant portion of the judgment is extracted hereinunder:

*“20. According to the learned counsel appearing for the appellants, the proviso to Section 10 means that if the act by which a party is alleged to have committed contempt of a subordinate court constitutes offence of any description whatsoever punishable under the Penal Code, 1860, the High Court is precluded from taking cognisance of it. **According to them, in the present case the allegations made amount to an offence under Section 228 of the Penal Code, 1860 and consequently the jurisdiction of the High Court is barred.***

*21. **We do not find any force in this submission.** The point raised is concluded against the appellants by a judgment of the Constitution Bench of this Court in *Bathina Ramakrishna Reddy v. State of Madras* [(1952) 1 SCC 154 : AIR 1952 SC 149 : 1952 SCR 425 : 1952 Cri LJ 832]. In that case, sub-section (3) of Section 2 of the Contempt of Courts Act, 1926 which is similar to the proviso to Section 10 of the Act was under consideration. Section 2(3) of the Contempt of Courts Act, 1926 provided that no High Court shall take cognisance of a contempt alleged to have been committed in respect of a court subordinate to it where*



such contempt is an offence punishable under the Penal Code, 1860. Interpreting this section, it was held that sub-section (3) excluded the jurisdiction of the High Court to take cognisance of a contempt alleged to have been committed in respect of a court subordinate to it only in cases where the acts alleged to constitute contempt are punishable as contempt under specific provisions of the Penal Code, 1860, but not where these acts merely amount to offences of other description for which punishment has been provided in the Penal Code, 1860.

17. A perusal of the above decisions would show that this very submission has been rejected by the Supreme Court, which has held that the jurisdiction of a Court dealing with the Contempt is quite broad compared even to the provisions of the IPC under which the contemnor can be prosecuted. It has also been held that since the contempt itself is not punishable under the IPC and it is only other offences, that may be committed due to the conduct of the Contemnor that are punishable, the bar would not apply. Thus, the legal issue raised by Mr. Tiku, Id. Senior Counsel stands settled and no further adjudication of the same would be required.

18. The question now arises as to whether conduct of the Contemnor, i.e., Respondent herein, constitutes criminal contempt. A perusal of the language used by the Respondent-Contemnor qua the Judicial Officer would leave no iota of doubt that it would fall in the definition of criminal contempt as defined under the Contempt of Courts Act. The language used by the Contemnor in fact has scandalised the Court and such conduct also leads to interference in the administration of justice. The words spoken are foul and abusive. Moreover, considering the fact that the Judicial Officer presiding the Court was a lady Judicial Officer and the manner in which the Contemnor, i.e., Respondent herein, has addressed the said Judicial Officer is completely unacceptable. Appearing before a Court in a



drunken state is also unpardonable. The same is contempt on the face of the Court. Thus, this Court has no doubt in holding that the Respondent is guilty of criminal contempt.

*19. The decision cited by Mr. Tiku in **Court on its own motion vs. Randhir Jain 2012 SCC Online Del 5915** would not be applicable in this case, as the said judgement is distinguishable considering the nature of the allegations in the said case with respect to the language used by the contemnor therein.*

20. The Court is in fact inclined to punish the Respondent for criminal contempt. However, on these very allegations and happenings, since the Respondent has already served a sentence of over 5 months in FIR no. 0885/2015, further sentence is not imposed on the Respondent. The period already undergone by the respondent herein is held as the punishment for the present criminal contempt.

21. The contempt petition is accordingly disposed of in

these terms. All pending application(s), if any, also disposed of.”

(emphasis supplied)

23. The Supreme Court as also the various High Courts have taken strict action against parties and litigants who engage in frivolous litigation and continue to occupy the precious judicial time of the Court. In ***Suo Moto Contempt Pet. No. 1480/2024***, the Division Bench of the Madras High Court had under similar circumstances considering the scandalizing nature of the Contemnor's conduct, convicted the Contemnor for criminal contempt and sentenced him for simple imprisonment for a period of six months. Similar action has been taken by this Court in other cases as well. The operative portion of the said judgment is extracted below:



“6. We are of the affirmed view that such a behaviour is not only contemptuous against us, but also to the entire justice delivery system. Since the contemnor has not shown any remorse, but rather was challenging us to pass any order of our choice, we hold that the letters of the contemnor dated 17.04.2024 and 22.04.2024 scandalizes, prejudices and has interfered with the due course of our judicial proceedings, apart from obstructing the administration of justice. Hence, we hold the contemnor guilty of having committed criminal contempt, as defined under Section 2(c) of the Contempts of Court Act, 1971 (hereinafter referred to as 'the Act') and hence, he is liable to be punished under Section 12 of the Act. Furthermore, when he was questioned with regard to the quantum of punishment to be imposed, he called upon us to pass any order against him and thus, we deem it appropriate to impose the maximum sentence contemplated under Section 12 of the Act.

7. Accordingly, the contemnor, namely PU.Venkatesan, is hereby ordered to undergo a sentence of simple imprisonment for a period of six (6) months from today, by confining him at Central Prison, Puzhal, Chennai. We hereby order the Inspector of Police, B4, High Court Police Station, Chennai, to arrest and produce the contemnor, who is physically present before us, before the Jail authorities of Central Prison, Puzhal, Chennai, forthwith.”

24. Considering the aforesaid, filing of 30 to 40 complaints against Judicial Officers, Police Officers as also the Judges of this Court by the Contemnor clearly shows that his intention is to scandalize the Court, as also lower the dignity and authority of the Court. The Contemnor has been heard on the last two-three dates and on neither of the dates the Contemnor has expressed any apology or remorse toward his conduct.



25. All the allegations made by the Contemnor have been dealt with in a judicious manner by various Id. Magistrates and the Id. Session/District Judges as also by Hon'ble Judges of this Court. The said consideration could not have been made subject of such frivolous and baseless complaints. In addition, in the written submissions which the Contemnor has filed in response to the show cause which was issued by this Court, the manner in which the Contemnor refers to the Id. Single Judge of this Court and the various allegations which are made are completely unacceptable and are gross. Some of the allegations made are extracted below:

"73. That Mr Anoop Kr Mendiratta is guilty for not performing his duty as a High Court and ignore the submission of the petitioner that it is submitted that the petitioner did not come before this Hon'ble Court for buttering. The petitioner is come before this Court only getting the justice and nothing else. The petitioner cannot says to any courts as "Hon'ble or Learned" who dismissed the case or application of the petitioner. It is duty of the court to get respect from the litigants after pass the fair order.

*74. That Mr Anoop Kr Mendiratta is guilty for not performing his duty as a High Court and decided the one appeal of the petitioner's out of four appeal which one was passed a wrong order. The petitioner has prayer for appointment of amicus curiae to take legal opinion **but Mr Anoop Kr Mendiratta declined the request of petitioner and did not pass any order under the criminal conspiracy with accused persons.** How can Mr Anoop Kr Mendiratta allow a settlement in a murder case. That Mr Anoop Kr Mendiratta is interesting to take quashing matter only and no judgement or order passed by him in any case. He has pass the order of plantings 50 trees only purpose of divert the mind of peoples. Mr Anoop Kr Mendiratta is very claver.*



75. That Mr Anoop Kr Mendiratta is guilty for not performing his duty as a High Court and ignore the submission of the petitioner that the petitioner is agree to plantings 100 trees tell me when Mr Anoop Kr Mendiratta will pass the order in my all cases. The petitioner is not interested in unrealistic talk, he wants order only, which you are appoint for.

76. That Mr Anoop Kr Mendiratta is guilty for not performing his duty as a High Court and the messages of the petitioner were visible to Mr Anup Kr Mendiratta but why is the call recording of the rape victim not visible, why is the victim and the victim's mother not heard admitting to being raped, why is the transcript copy of the call recording not visible, the victim's Why are medical documents regarding unnatural sexual harassment not visible? Why is the order passed by the Principal Judge Ghaziabad not visible? Is Mr Anup Cr Mendiratta hard of hearing or less visible or only in my case it is not visible or audible or does not want to be heard or seen? Whose fear is it by passing a wrong order? Who is afraid of not being able to correct the wrong order given? If someone is afraid then how will he do justice?

77. That Mr Anoop Kr Mendiratta is guilty for not performing his duty as a High Court. That the Mr. Anoop Kr Mendiratta, who is an acting employee of Hon'ble High Court of Delhi ruin the image of Hon'ble High Court of Delhi amongst the peoples and show has no judicial mind to read the judicial file carefully. The petitioner has no expectation from Mr. Anoop Kr Mendiratta that Mr. Anoop Kr Mendiratta will accept his mistake that he passed a wrong order on 23.01.2024. Now petitioner has no other choice to avail his legal remedies from the Hon'ble Supreme Court of India. That the peoples come to Court tell their matters, not for buttering to Mr Anoop Kr Mendiratta. **That the petitioner has full faith of Mr Anoop Kr Mendiratta that he will never pass any order in my all cases on**



merit without pressure. Even After that Mr Anoop Kr Mendiratta alongwith all the PP for state has no shame that a person has challenge Mr Anoop Kr Mendiratta Order and still Mr. Anoop Kr Mendiratta tried to harass the petitioner and not tried 40 to regenerate decorum of the Hon'ble High Court of Delhi as a Government Servant. In the petitioner view all the court judges and justices of all the courts are government machinery nothing else. When machinery has failed then it should be thrown to scrap. That the Mr. Anoop Kr Mendiratta has not expressed any remorse towards the petitioner till date. That Mr. Anoop Kr Mendiratta has tried to pressure upon the petitioner after order dated 09.05.2024. The petitioner is ready to accept 100 show cause notice but Mr Anoop Kr Mendiratta is ready to pass the order in all the petitioner cases immediately. Mr Anoop Kr Mendiratta has more time to write show cause notice but he have no time to write the order of petitioner cases. Each and every order sheet is showing bad intention of Mr Anoop Kr Mendiratta. All the cases or orders of Mr Anoop Kr Mendiratta should be audit by vigilance department in the presence of the petitioner.

78. It is wrong that the petitioner has made comments in public domain with intention to scandalize the Court and are patently contemptuous and interfere with due course of judicial proceedings. It is correct that the petitioner is same stated in the front of Mr Anoop Kr Mendiratta. That the petitioner never wants to meet with any judges and their readers in chamber as like a bar members. That the petitioner was came to this High Court for getting justice but this Court is starting playing the dirty game of dates and did not listen the petitioner case. That the petitioner never made any contempt to any court. The petitioner has full right to tell his problem to court. It is duty of the court to listen the petitioner and resolve the problems of the petitioner according to provision of law.



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84. All the message put up before this Court only to realise that this court is going to wrong. No single word is express harm of this court. It is public domain and public has full right to tell the facts to the court.

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That Mr Anoop Kr Mendiratta is directed to show cause as to why the contempt proceedings initiated against you for misconducting in his duty since long, disobeyed the judgements and rulings and provision of law since long and always favouring to accused persons to save from the punishment and making forge before the court by making wrong orders and judgements, supporting to subordinate judicial officers in their wrong act and referred to concerned Roster Bench/Division Bench for consideration in accordance with law. Petitioner, who is a practicing Advocate is unable to do anything but Mr Anoop Kr Mendiratta was capable. That the petitioner is seeking permission from Hon'ble Chief Justice of Delhi High Court to file a case against the Mr Anoop Kr Mendiratta within three working days of this written submission. After failing, it will be presuming this Hon'ble Chief Justice of Delhi High Court is give the permission to file the case against the Mr Anoop Kr Mendiratta. It is pertinent to mention here that after SLP, Hon'ble Supreme court will be decide who is mentally handicap and whose require Amicus Curiae."

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"g. that the Mr Anoop Kr Mendiratta wants to create fobia amongst the peoples includes advocates so that they can not raise their voice against the wrong order of Mr Anoop Kr Mendiratta. that respondent is disagree with illegal monopoly of High Court for supporting to their judges and did not regret. That the respondent will not pay any imposed cost if any at any cost. The respondent will not be planting any trees for any regret. that the Mr Anoop Kr Mendiratta is liable



to be punish for contempt of court under section 16.
"If the sub-ordinate judge does not follow the law laid down by the CPC or CrPC or Superior Courts, It amounts to contempt of court to that judge under section 16 of the contempt of court act 1971."
(emphasis supplied)

26. The written submissions, in fact, further perpetuates contemptuous conduct of the Contemnor.

27. Under such circumstances, this Court is of the opinion that the Contemnor is guilty of criminal contempt and would be liable to be punished in accordance with law.

28. During the course of the pronouncement of the order in open Court, the Court gave the contemnor an opportunity to make his submissions on sentence. The Contemnor has simply made a submission that it is up to the Court to pass whatever sentence the Court deems appropriate. Under such circumstances, in view of the contemptuous conduct of the Contemnor, the Court sentences him to simple imprisonment for a period of 4 months with fine of Rs. 2,000/- and in default of payment of fine, further simple imprisonment for 15 days.

29. It is directed that the police authorities shall take Contemnor into custody from the Court itself and the Contemnor be sent to Jail.

30. At this stage, the Contemnor prays that the sentence awarded today be suspended for a short duration and he may be permitted to approach the Supreme Court in respect of the order passed today. Considering the vilification campaign that the Contemnor has undertaken against the Courts in general and several Judges in particular and the brazen nature in which he addressed submissions even in this contempt petition, the Court is not inclined



to suspend the order.

31. The Contemnor has also been given repeated opportunities to be assisted by Id. Counsels in the previous hearings, however, he has chosen to argue the present matter in person. However, it is directed that if the Contemnor so seeks to be assisted by a Counsel, let the Delhi High Court Legal Services Committee (DHCLSC) provide him a Counsel for his assistance.

32. Digitally signed copy of this order has been supplied to the Contemnor.

33. Order be uploaded of this Court *forthwith*.

34. Copy of this order be communicated to the concerned Jail Superintendent for necessary compliance.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

NOVEMBER 06, 2024

Kr/dj/Rahul/pr/ms