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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 03.01.2024

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CONT.CAS.(CRL) 17/2018 & Crl.M.A.2792/2019**COURT IN ITS OWN MOTION****..... Petitioner**

Through: Mr.Arvind Nigam, Sr. Adv. (Amicus Curiae) with Dr.Amit George & Mr.Piyo Harold Jaimon, Advs.

versus

S GURUMURTHY**..... Respondent**

Through: Mr.J. Sai Deepak, Mr.Siddharth Nayak, Mr.Sejal Jain, Mr.Amolak, Mr.Luv Virmani, Mr.Avinesh & Mr.R. Abhishek, Advs. for Respondent no.13 with Dr.Anand Raganathan in person. Mr.Akshat Gupta, Ms.Jay Sayta & Ms.Sakshi Tikmany, Advs. for Respondent No.14.

CORAM:**HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Present contempt petition was registered pursuant to order passed by Division Bench-I on 25.10.2018 taking cognizance of the articles/statements in respect of a sitting judge of this Court. Thereafter, Coordinate Bench of this Court, vide order dated 29.10.2018, impleaded John Doe parties as well as several intermediaries companies as contemnors/respondents and issued



notices with direction to forthwith take down/remove/block/restrict the URL's/weblinks, in respect of the offending video and articles in question.

2. Initially, ten respondents were impleaded as Contemnors. However, vide order dated 20.11.2018, Amended Memo of Parties was filed by learned counsel appearing on behalf of the petitioner and notices were issued to the newly impleaded respondents with similar direction.

3. During the pendency of the present petition, respondent Nos.16, 19 and 23 tendered unconditional apology for tweeting the post dated 03.09.2018 and were, accordingly, deleted from the array of parties on 17.07.2019. Since respondent Nos.6 to 11 and 17 were informed to be intermediaries, this Court order dated 22.04.2019 directed that no orders were required to be passed in respect of the above-said respondents.

4. Thereafter, vide order dated 06.08.2019, respondent No.3 also tendered unconditional apology before the Court which was accepted and was also deleted from the array of parties.

5. On 23.01.2020, unconditional apology was tendered by respondent No.21 which was taken on record and he was also deleted from the array of parties.

6. Vide order dated 19.09.2022, respondent Nos.5, 13, 14, 15, 20 & 22 were proceeded ex parte by this Court.

7. On 10.04.2023, respondent No.4 also tendered his unconditional apology stating that he had utmost respect for the judiciary, which was taken on record and he was also discharged from show cause notice issued against him in the present criminal proceedings.

8. We may also note that an affidavit on behalf of Authorised Representative of respondent No.14 has been filed wherein it is mentioned



that there was no *mala fide* intention behind publication of the alleged offending article and the publication was also not intended to cause disrespect to the Court and the offending article was removed from the website and compliance report dated 11.12.2018 has already been filed before this Court. He has also tendered unconditional apology which he has reiterated during the course of proceedings today. Having heard him, we accept the same.

9. It is relevant to note that respondent No.13 in his affidavit dated 18.07.2023 stated that he had not himself published/republished any offending content, giving rise to the cause of action against him. He has further stated therein that he had only exercised his fundamental right of free speech and expression of his thoughts under Article 19 of the Constitution of India without taking any personal stand about the offending material in question.

10. Since the initiators of contemptuous allegations about a sitting judge of this Court have already tendered their unconditional apology before this Court and other respondents have also stated that they have utmost respect for the Court and their articles were mere expression in synchronization with their right to freedom of speech but without intent to cause any disrespect to this Court, we are of the considered opinion that continuation of proceedings in present petition would be sheer wastage of time.

11. Hence, we close the proceedings while directing respondent No.13 to delete the re-tweets, if not already taken down.

12. We appreciate the assistance rendered by Mr.Arvind Nigam who was appointed as Amicus vide order dated 29.10.2018.



2024:DHC:45-DB



13. Pending application, if any, is disposed of being infructuous in view what we have observed above.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

JANUARY 03, 2024/ab