

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

SUO MOTU CRIMINAL CONTEMPT PETITION NO. 2 OF 2025

High Court of Judicature at Bombay on its own motion ...Petitioner
Versus
Mrs. Vineeta Srinandan ...Respondent

Mr. Vikram Nankani, Senior Advocate a/w Mr. Ativ Patel, Mr. Viloma Shah, Mr. Harshad Vyas i/b AVP Partners for Contemnor/ Show Cause Noticee Mrs. Vineeta Srinandan.

Mr. Amjith M. Anandhan a/w. Mr. Pranjal Agarwal, Mr. Dixita Gohil, Mr. Ujjawal Pratap, Mr. Rounak Burad i/b Ms. Sandhya Yadav for the Petitioner No.1 in WP/11652/2023.

Ms. S.V. Sonawane a/w. Mr. Satish Muley, Mr. Mosin Naik, Mr. Zhoab Sayyed for the petitioner in WP/1677/2025 and respondent in WP/11652/2023.

Mr. Y.S. Bhate a/w. Mr. D.P. Singh i/b Mr. A.A. Ansari for respondent No.1.

Mr. Ankit Ojha a/w. Mr. R.K. Dubey for respondent no.3 in WP/11652/2023.

Ms. Neha Bhide, GP a/w. Mr. M.M. Pabale AGP for State/respondent Nos.2 in WP/11652/2023 & respondents Nos.4,5 & 7 in WP/1677/2025.

Ms. Manisha Shekhar Jagtap for Respondent No.4/PMC in WP/11652/2023 and for Respondent No.3/ CIDCO in WP/1677/2025.

Mr. Tejesh Dande for Respondent No.6 in WP/11652/2023 and for Respondent No.2 in WP/1677/2025.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE: 23 APRIL 2025.

JUDGMENT (Per: G. S. Kulkarni, J.)

1. This suo motu criminal contempt proceeding is initiated against the contemnors for having issued written material of the nature, which scandalizes and lowers the dignity and authority of the Court, as also interferes in the administration of justice.

2. Briefly the facts are: In the proceedings of Writ Petition¹ filed by the petitioner - Seawoods Limited (for short "**Seawoods**"), which *inter alia* challenges Rule 20 of the Animal Birth Control Rules, 2023, in the context of stray dogs, an Intervention Application was moved by Ms. Leela Verma, being aggrieved by some serious actions of Seawoods affecting her basic human rights. In the proceedings of such application, she placed on record an affidavit pointing out objectionable materials issued by the contemnor, namely, a publication/circular dated 29 January 2025 circulated by the contemnor in the residential colony of the petitioner, having a large occupation of about 1500 families. By such circular, the contemnor has made serious insinuations against the High Court and the Supreme Court Judges. In such circular, the objectionable contents which we have emphasized reads thus:

"SEL/CLR/31/6558/2025

29th Jan. 2025

How Democracy is being crushed by Judicial System?

The entire country has a stray dog menace, and most of the urban residential societies in class A cities are struggling to fight this dog feeder's mafia spread across the country. This is such a huge well-established network of trained professionals who have a very strong presence in the Judicial system too.

So much so that if affected societies want to show videos or photos of the dog attacks, show information of fake cases filed by dog feeders, or show videos showing training of feeders where they are training their female members to file fake molestation cases against people who stop their illegal activities of feeding pack of strays in areas close to houses of other people, then Judges don't want to see them and completely avoid taking cognizance of such material. **In one case, where we had shown the video of a Dog attack on a small girl in front of building 11 to the Hon'ble Bombay High Court made fun of it and outrightly rejected it by saying that the dog wanted to play with that girl.**

Now we are convinced that there is a big Dog mafia operating in the country, who has a list of High Court and Supreme Court judges having views similar to the dog feeders.

1 Writ Petition no.11652 of 2023 (Seawoods Estates Ltd. & Ors. Vs. Union of India & Ors.)

No matter how many people are dying or attacked in the country every year but most of the high court/supreme court orders will defend dog feeders ignoring the value of human life.

.....
.....

2. Despite the latest status being on record, the Hon'ble Court insisted on implementing the 20th March 2023 order on us which is meant for community animals (which are born inside) and we do not have any community animals at all. Still, Justice wants to impose this illegal order on us by using his power on the NMMC officer and the police.

For, SEAWOODS Estates Limited

SD/-
Vineeta Srinandan
Director Cultural.

(emphasis supplied)

3. Such material was highly derogatory, objectionable and would scandalize the Court amounting to Criminal Contempt within the meaning of Section 2(c) of the Contempt of Courts Act, 1971. In these circumstances, this Court on 4 February 2025 passed an order making the following relevant observations :

"1. Today Ms. Sonawane, learned Counsel for the added respondent Mrs. Leela Verma has placed on record an affidavit. At the outset, she submits that there are communications addressed by one Mrs. Vineeta Srinandan, Cultural Director of the petitioner, which she has reservations to read in the open Court considering the contents of the same being highly derogatory nature and completely undermining the esteem dignity of the Court. We are disturbed by the documents placed on record on behalf of the Mrs. Leela Verma - the added respondent in the proceedings, and more particularly, E-mail dated 24 January 2025 addressed by Mr. Alok Agarwal, letter dated 26 January 2025 addressed to Mrs. Leela Verma and the circular dated 29 January 2025, these two communications are issued by Mrs. Vineeta Srinandan, Cultural Director of the petitioner.

2. Mr. Alok Agarwal, Authorized Representative of Seawoods Estate Limited - Petitioner is present in the Court. Having read the contents of all these communications, in our opinion on the face of it, amounts to a Criminal Contempt of Court. Also the e-mail addressed by Mr. Alok Agarwal ex facie shows his disregard to the order dated 21 January 2025 passed by this Court.

3. We have no manner of doubt that contempt proceedings are required to be initiated for such conscious and brazen derogatory and objectionable contents of the said communications. We would have intended to immediately commence criminal contempt proceedings as the law would mandate against Mrs. Vineeta Srinandan, considering the impurity and tenor of her writings.

however, as we are informed that she is at present out of India in Abu Dhabi, we are unable to proceed against her. We accept the statement that she is not in the country. An intimation be given by the petitioner of her return.”

(emphasis supplied)

4. The Court, however, intended to ascertain whether it was a singular act on the part of the contemnor or it was supported by the Board of Directors of Seawoods, so as to examine whether such material was a collective intent of such body of persons to bring a disrepute to the Court and interfere in the administration of justice. Accordingly, the Court on 4 February, 2025 directed the Seawoods to explain its stand in this regard. The relevant observation as made by the Court reads thus:

“7. While parting, we may observe that the conduct of Mrs. Vineeta Srinandan as observed above amounts to a Criminal contempt of a serious nature. We presume that the same was not supported by other office bearers of the Board of Directors of the petitioner. Although, we have issued aforesaid directions to enable the petitioner to remedy the situation and such communications being removed, we have not examined the issue whether Mrs. Vineeta Srinandan has addressed these communications in consultation with the other office bearers of the petitioner’s management. If this be so, then appropriate action as per law would be required to be taken against all such persons who are responsible and who have aided in issuing such material lowering the authority of the Court and interfering in the administration of justice and the Court proceedings, after considering the relevant facts in that regard and after considering the nature of the compliances as directed by us, whether are fulfilled in letter and spirit.”

5. Accordingly, the Court by its order dated 7 February, 2025 directed that a show cause notice be issued to the contemnor as to why an action for having committed criminal contempt be not initiated against her. The relevant observations made by this Court read thus:

“7. However, we have not the slightest of doubt that looking at the nature of the communications and more particularly, the language as used in the communication which, as observed by us, lowers the dignity of the Court as also interferes in the administration of justice, contempt proceedings are required to be initiated against its author Mrs. Vineeta Srinandan.

8. We accordingly issue a show cause notice to Mrs. Vineeta Srinandan to show cause as to why she should not be punished for having committed criminal contempt of Court.

9. Let Show cause notice be issued to Mrs. Vineeta Srinandan within one week from today, to be served on her by all permissible modes. Mrs. Vineeta Srinandan is present in the Court. She has taken notice of this order and accordingly, she will file a reply affidavit to the show cause notice. Mrs. Vineeta Srinandan says that as she will be travelling she would be also prepared to receive the show cause notice by email the details of which she has furnished.

10. Let reply to the show cause notice be placed on record on or before adjourned date of hearing”

6. In pursuance of our aforesaid orders, on behalf of Seawoods, Mr. Alok Agarwal, its authorized representative, has placed on record an affidavit *inter alia* disowning such materials to contend that the Board of Directors had no knowledge of such circulars being issued by the contemnor and have attributed the same solely to the contemnor, who was the Cultural Director of Seawoods. The relevant contents of such affidavit are required to be noted, which read thus:

“6. Further, the affiant wishes to clarify that, although the impugned circular dated 29th January 2025 was issued by Mrs. Vineeta Srinandan in her capacity as the 'Director-Cultural' and under the authority of the AGM Resolution dated 29th September 2022 authorizing her to act for the Petitioner No. 01 in matters related to stray dogs, the circular and/or its contents were never discussed or approved or accepted by any of the Board members and so it does not reflect the sentiments, values or views of the, affiant, Petitioner No. 01 or the board of directors, and was a case of poor, reckless, ill-considered, unintended, impulsive, and mistaken choice of words that we wholeheartedly regret having deepest shame of our actions. However, the Board of Directors, fully acknowledge the mistake of having overlooked the issuance of such a reckless and ill-considered circular and for not having noticed it at the earliest and for not having withdrawn it immediately. Thus, for having overlooked such a grave error and reckless choice of words, the affiant herein personally and for and on behalf the Petitioner No. 01 and its Board of Directors express our deepest and most sincere apologies to this Hon'ble High Court and humbly prays for leniency and mercy of this Hon'ble High Court and respectfully seek to be pardoned for such actions.”

(emphasis supplied)

7. Accordingly this Court in its order dated 21 February 2025 made observations that the Board of Directors of Seawoods had completely disowned the actions of the contemnor. The said order reads thus:

“1. In our detailed order dated 7 February 2025 we have observed that prima facie there is a criminal contempt of Court, by the author of the objectionable materials - Mrs. Veenita Srinandan. Accordingly, the Court issued a show cause notice to Mrs. Veenita Srinandan to show cause as to why she should not be punished for having committed criminal contempt of Court. The show cause notice was served on Mrs. Veenita Srinandan. Responding to the same, she has made an affidavit dated 18 February 2025. A copy of the affidavit is tendered as also is being served on all the parties.

2. There is also an affidavit filed on behalf of the Board of Directors of the petitioner - Seawoods Estate Limited, of Mr. Alok Agarwal dated 20 February 2025 wherein the deponent on behalf of the Board of Directors has taken a clear stand that the objectionable material was issued by Mrs. Veenita Srinandan and that the contents of such documents were never discussed or approved or accepted by any of the Board members and accordingly, such material does not reflect the sentiments, values or view of the deponents and/or of the petitioner - Seawoods Estate Limited or its Board of Directors. It is stated that such action of Mrs. Veenita Srinandan was a case of poor, reckless, ill-considered, unintended, impulsive and mistaken choice of words, which the Board of Directors and the deponent wholeheartedly regret having deepest shame to such action. The Board of Directors have acknowledged the mistake of having overlooked the issuance of such reckless and ill-considered circular, as stated in the affidavit as also having not noticed it and not having withdrawn the same immediately. Accordingly, they have tendered their deepest and sincere apology to the Court and pray for leniency and mercy and sought pardon for such action. The affidavit has also stated the remedial measures which are taken by the petitioner as set out in paragraph 7 thereof. The affidavit echoes their remorse and regret to such actions which are caused by such materials which undermined the dignity and esteem of the Court and the process of law, while an unconditional apology being tendered by such affidavit.

3. Thus, the petitioner - Seawoods Estate Limited through its Board of Directors have disowned the acts of Mrs. Veenita Srinandan being not the actions which were approved by the petitioner or by its Board of Directors.

4. Considering the statement as made in the affidavit, we are of the opinion that the apology as tendered by the Board of Directors in the affidavit filed by Mr. Alok Agarwal, is required to be accepted. We accordingly do not wish to proceed against the petitioner - Seawoods Estate Limited and its Board of Directors.

5. However, insofar as Mrs. Veenita Srinandan is concerned, we intend to examine her affidavit. We shall hear the learned Counsel for Mrs. Veenita Srinandan on all such issues and more importantly as to how she conceived her thoughts with such impunity in issuing the objectionable communications as

noted by us. We shall also consider whether the statements as made in the affidavit in any manner would justify a lenient view to be taken as urged by her and / or what would be the appropriate order the law would mandate the Court to pass under the Contempt of Courts Act, considering the facts and circumstances of the case.

6. Accordingly we shall proceed to adjudicate the show cause notice. Adjourned for hearing on the show cause notice on 4 March 2025 at 4 p.m.”

8. The contemnor has filed a reply affidavit, in which she purports to explain as to why action under the Contempt of Courts Act should not be taken against her, and after saying so, she has also purported to tender what she describes to be an unconditional and unqualified apology. In about 18 paragraphs, i.e., in paragraph nos. 3.1 to 3.18 of her affidavit, she has made averments on merits, that is, issues in regard to dogs including her purported love for pet dogs. In concluding, she intends to furnish a justification that due to pressure, threats and abuse from the members of Seawoods, who were either attacked or have been bitten by dogs, she did not apply her mind and think appropriately, before issuing the circular dated 29 January 2025. She says that it was a grave error on her part to issue such correspondence. She also admits that it has undermined the dignity of the Court and she should not have done this at any cost. She has also claimed that she is an educated citizen of India and that she has committed a grave mistake. She also claims that she has regard for judiciary and hence, seeks a pardon. She also stated that she has resigned as a Director from Seawoods and that no action be taken against her under the Contempt of Courts Act and she be discharged from the proceedings. In our opinion, on a holistic reading of the reply affidavit, the contemnor’s statements do not appear to be any compunction on her conscious acts of issuing such derogatory materials to scandalize the Court.

It appears to be more of a white wash and/or borrowed sentiment, wholly contrary to the intention with which such objectionable material/publication, subject matter of the contempt proceedings, was issued by her. In fact, it appears that such statements are merely for the sake of the paper used for the affidavit.

9. Mr. Nankani, learned Senior Counsel has appeared for the contemnor. Referring to the affidavit in reply to the show cause notice, he has submitted that a lenient view be taken by the Court, not disputing that the contemnor has grossly erred in issuing such contemptuous material, which lowers the dignity of the Court by such reckless allegations against the Judges and the Court system. He submits that the contemnor is well educated and is engaged in teaching and performing as a classical dancer for cultural organizations. He submits that earlier, at no point of time, she has acted contrary to law much less has indulged in such objectionable activities.

Discussion

10. Having noted the defence of the contemnor, we note the relevant provisions of the Contempt of Courts Act, 1971, namely Section 2(c) which defines 'criminal contempt' and Section 12 which defines 'Punishment for contempt of courts'. The said provisions read thus:

- "2. Definitions.-** In this Act, unless the context otherwise requires,-
- (c) "criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which -
- (i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or
- (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

... ..

Section 12. Punishment for contempt of court.-

(1) **Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both :**

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation.—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the Court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained in a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment be enforced with the leave of the court, by the detention in civil prison of each such person :

Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation.— For the purpose of sub-sections (4) and (5),—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.”

11. We have no manner of doubt that in the publication/circular as issued by the contemnor, being the material in writing, fully satisfies the ingredients of what would amount to criminal contempt of Court as defined under Section 2(c) of the Contempt of Courts Act, inasmuch as it clearly scandalizes and lowers the authority of the Court. It was issued during the pendency of the aforesaid writ petition filed by Seawoods and for such reasons, the second ingredient of the said provision of such material causing interference with the due course of judicial proceedings, as also to obstruct the administration of justice stands fully satisfied. Thus, the contemnor’s actions of issuing such material fall within clauses (i) to (iii) of Section 2(c) of the Contempt of Courts Act, the ingredients of which are satisfied in the contemnor issuing such objectionable circular/material. We are also of the opinion that it is not expected from an educated person like that of the contemnor to make such comments in regard to the Courts and the Judges of the higher Courts like the Supreme Court and the High Courts. It cannot be believed that when the contemnor undertook such contumacious writing, she was not conscious or could be said to be unaware of the consequences of such writing. In fact, right from the “title of the article” apart from its other contents as underscored by us, shows a dedicated attempt, a well thought of design calculated to bring the Court and the Judges to a disrepute and intended to tarnish the judicial system so as to interfere with the due course of justice and administration of law by the courts with impunity.

12. Having so observed, we proceed to discuss as to how the law would require us to consider the situation in hand from the principles as laid down in the decisions of the Supreme Court.

13. In **Rajendra Sail Vs. M. P. High Court Bar Association & Ors.**², the Supreme Court was concerned with the case of the appellant, who had rubbished and commented on a High Court decision which was widely reported. The respondent - High Court Bar Association had initiated contempt action against the appellant as also the editor and publisher of the newspaper. The appellant, however, resorted a stand that he was not satisfied with the judgment of the High Court and hence, had made a *bona fide* analysis of the judgment without intending to disrepute the judiciary in general and the judges in particular. He also contended that he expressed his personal grief and emotional trauma, which had arisen from the judgment of the High Court. He also took a stand that he was ready to tender an apology. The High Court delved on such contentions in reaching to a conclusion that the comments as made by the appellant did not amount to a fair and reasonable criticism of the judgment and that the contents of his criticism as appearing in the news report scandalized the Court. The High Court also refused to accept the apology tendered by the appellant and held him guilty of Contempt of Court and sentenced the appellant as also the editor to undergo simple imprisonment for six months. It is in such context, the Supreme Court examined the principles relating to the law of Contempt. The following principles were enunciated by the Supreme Court :

2 (2005) 6 SCC 109

- (i) that it has been repeatedly held that rule of law is a foundation of democratic society and the judiciary is the guardian of the rule of law.
- (ii) The confidence which the people repose in the courts of justice, cannot be allowed to be tarnished, diminished and or wiped out by the contemptuous behavior of any person.
- (iii) If the judiciary is to perform its duties and functions effectively and true to the spirit with which they are sacredly entrusted, the dignity and authority of the courts have to be respected and protected at all costs.
- (iv) The foundation of the judiciary is the trust and the confidence of the people in its ability to deliver fearless and impartial justice.
- (v) When the foundation itself is shaken by acts which tend to create disaffection and disrespect for the authority of the court by creating distrust in its working, the edifice of the judicial system gets eroded and it is for this purpose the courts are entrusted with extraordinary powers of punishing for contempt of court those who indulge in acts, which tend to undermine the authority of law and bring it in disrepute and disrespect by scandalising it. When the court exercises this power, it does not do so to vindicate the dignity and honour of the individual Judge who is personally attacked or scandalised, but to uphold the majesty of the law and of the administration of justice.

The following observations as made by the Supreme Court are required to be noted:-

"12. The law as it stands today is same as has been aptly put by Lord Atkin in *Andre Paul Terence Ambard V. Attorney General of Trinidad and Tobago*: (AIR 1936 PC 141)

No wrong is committed by any member of the public who exercises the ordinary right of criticising in good faith in private or public the public act done in the seat of justice. The path of criticism is a public way: the wrongheaded are permitted to err therein: provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary men".

.... .

43.The speech that judgment is rubbish and deserves to be thrown in a dustbin cannot be said to be a fair criticism of judgment. These comments have transgressed the limits of fair and bonafide criticism and have a clear tendency to affect the dignity and prestige of the judiciary. It has a tendency to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the Judge and to deter actual and prospective litigants from placing complete reliance upon the court's administration of justice, it is

also likely to cause embarrassment in the mind of the Judge himself in the discharge of his judicial duties.

44. When there is danger of grave mischief being done in the matter of administration of justice, the animadversion cannot be ignored and viewed with placid equanimity. If the criticism is likely to interfere with due administration of justice or undermine the confidence which the public reposes in the Courts of law as Courts of justice, the criticism would cease to be fair and reasonable criticism but would scandalise Courts and substantially interfere with administration of justice. Having perused the record, we are unable to accept the contention urged on behalf of Mr. Rajendra Sail that on facts the conclusions arrived at by the High Court are not sustainable. Once this conclusion is reached, clearly the publication amounts to a gross contempt of court. It has serious tendency to undermine the confidence of the society in the administration.

48. The sentence awarded to Rajendra Sail by the High Court having regard to nature of contempt cannot be said to be unjustified. But having regard to his background and the organization to which he belongs which, it is claimed, brought before various courts including this court many public interest litigation for general public good, we feel that ends of justice would be met if sentence of six month is reduced to sentence of one week simple imprisonment. We order accordingly.

49. In view of the above, sentence awarded to the appellants other than Rajendra Sail is set aside and their apologies accepted and their appeals allowed accordingly. The sentence of Rajendra Sail is reduced to one week and to that extent impugned judgment and order of the High Court is modified and appeal disposed of accordingly.”

14. In **Brahma Prakash Sharma Vs. State of U. P.**³, it was held that if the publication of disparaging statements was calculated to interfere with the due course of justice or proper administration of law by such court, it can be punished summarily as contempt is a wrong done to the public. It will be injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the Judge or to deter actual and prospective litigants from placing complete reliance upon the court's administration of justice, or if it is likely to cause embarrassment in the mind of the Judge himself in the discharge of his judicial duties.

3 1953 SCR 1169 : AIR 1954 SC 10 : 1954 Cri LJ 238

15. In **Perspective Publications (P) Ltd. Vs. State of Maharashtra**⁴, it was held that the test was whether the material was calculated to interfere with the due course of justice or the proper administration of law by the court. It is in the latter case that it will be punishable as contempt.

16. In **C.K. Daphtary & Ors. v. O. P. Gupta & Ors**⁵, it was held that a scurrilous attack on a Judge in respect of a judgment or past conduct has adverse effect on the due administration of justice. It was observed that such sort of attack in a country like ours has the inevitable effect of undermining the confidence of the public in the Judiciary. If confidence in the Judiciary goes, the due administration of justice definitely suffers. There can be no justification of contempt of Court.

17. In **R. C. Cooper v. Union of India**⁶, it was observed that those who err in their criticism by indulging in vilification of the institution of Courts, administration of justice and the instruments through which the administration acts, should take heed for they will act at their own peril. The Court observed that this was enough caution to persons embarking on the path of criticism.

18. In **P. N. Duda v. P. Shiv Shanker & Ors**⁷, it was held that any criticism of the judicial system or the Judges, which hampers the administration of justice or which erodes the faith in the objective approach of the Judges and brings

4 (1969) 2 SCR 779 : AIR 1971 SC 221 : 1971 Cri LJ 268

5 [(1971) 1 SCC 626]

6 [(1970) 2 SCC 298]

7 [(1988) 3 SCC 167]

administration of justice to ridicule, must be prevented. The contempt of court proceedings arises out of that attempt. It was held that judgments can be criticized, motives to the Judges cannot be attributed, it brings the administration of justice into deep disrepute. Faith in the administration of justice is one of the pillars on which democratic institution functions and sustains. In the free market place of ideas, criticism about the judicial system or Judges should be welcomed so long as such criticism does not impair or hamper the administration of justice.

19. In **Roshan Lal Ahuja, In re**⁸ a three judge bench of the Supreme Court held that Judgments of the court are open to criticism. Judges and courts are not unduly sensitive or touchy to fair and reasonable criticism of their judgments. Fair comments, even if, outspoken, but made without any malice or attempting to impair the administration of justice and made in good faith in proper language don't attract any punishment for contempt of court. However, when from the criticism a deliberate, motivated and calculated attempt is discernible to bring down the image of the judiciary in the estimation of the public or to impair the administration of justice or tend to bring the administration of justice into disrepute, the courts must bestir themselves to uphold their dignity and the majesty of law. No litigant can be permitted to overstep the limits of fair, bona fide and reasonable criticism of a judgment and bring the courts generally in disrepute or attribute motives to the Judges rendering the judgment. It was held that perversity, calculated to undermine the judicial system and the prestige of the court, cannot be permitted or otherwise the very foundation of the judicial

8 1993 Supp (4) SCC 446

system is bound to be undermined and weakened and that would be bad not only for the preservation of rule of law but also for the independence of judiciary. Liberty of free expression is not to be confused with a licence to make unfounded, unwarranted and irresponsible aspersions against the Judges or the courts in relation to judicial matters. No system of justice can tolerate such an unbridled licence. It was observed that "Justice is not a cloistered virtue; she must be allowed to suffer the scrutiny and respectful, even though outspoken, comments of ordinary men", but the members of the public have to abstain from imputing improper motives to those taking part in the administration of justice and exercise their right of free criticism without malice or in any way attempting to impair administration of justice and refrain from making any comment which tends to scandalize the court in relation to judicial matters. If a person committing such gross contempt of court were to get the impression that he will get off lightly it would be a most unfortunate state of affairs. Sympathy in such a case would be totally misplaced and any mercy would have no meaning. It was observed that his action called for deterrent punishment so that it also serves as an example to others and there is no repetition of such contempt by any other person.

20. In **D.C. Saxena (Dr.) v Hon'ble the Chief Justice of India⁹**, the Court while dealing with the meaning of the word 'scandalising', held that it is an expression of scurrilous attack on the majesty of justice which is calculated to undermine the authority of the courts and public confidence in the administration of justice. The malicious or slanderous publication inculcates in the mind of the people a general

9 [(1996) 5 SCC 216]

disaffection and dissatisfaction on the judicial determination and indisposes their mind to obey them. If the people's allegiance to the law is so fundamentally shaken, it is the most vital and most dangerous obstruction of justice calling for urgent action. The Court held as under:-

"40. Scandalising the court, therefore, would mean hostile criticism of Judges as Judges or judiciary. Any personal attack upon a Judge in connection with the office he holds is dealt with under law of libel or slander. Yet defamatory publication concerning the Judge as a Judge brings the court or Judges into contempt, a serious impediment to justice and an inroad on the majesty of justice. Any caricature of a Judge calculated to lower the dignity of the court would destroy, undermine or tend to undermine public confidence in the administration of justice or the majesty of justice. It would, therefore, be scandalising the Judge as a Judge, in other words, imputing partiality, corruption, bias, improper motives to a Judge is scandalisation of the court and would be contempt of the court. Even imputation of lack of impartiality or fairness to a Judge in the discharge of his official duties amounts to contempt. The gravamen of the offence is that of lowering his dignity or authority or an affront to the majesty of justice. When the contemnor challenges the authority of the court, he interferes with the performance of duties of Judge's office or judicial process or administration of justice or generation or production of tendency bringing the Judge or judiciary into contempt. Section 2(c) of the Act, therefore, defines criminal contempt in wider articulation that any publication, whether by words, spoken or written, or by signs, or by visible representations, or otherwise of any matter or the doing of any other act whatsoever which scandalises or tends to scandalise, or lowers or tends to lower the authority of any court; or prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner, is a criminal contempt. Therefore, a tendency to scandalise the court or tendency to lower the authority of the court or tendency to interfere with or tendency to obstruct the administration of justice in any manner or tendency to challenge the authority or majesty of justice, would be a criminal contempt. The offending act apart, any tendency if it may lead to or tends to lower the authority of the court is a criminal contempt. Any conduct of the contemnor which has the tendency or produces a tendency to bring the Judge or court into contempt or tends to lower the authority of the court would also be contempt of the court."

21. In J. R. Parashar, Advocate & Ors. v Prasant Bhushan, Advocate & Ors¹⁰,

the Supreme Court made the following significant observations:-

"18. to ascribe motives to a Judge is to sow the seed of distrust in the minds of the public about the administration of justice as a whole and nothing is more pernicious in its consequences than to prejudice the mind of the

10 [(2001) 6 SCC 735]

public against Judges of the court who are responsible for implementing the law. Judges do not defend their decisions in public and if citizens disrespect the persons laying down the law, they cannot be expected to respect the law laid down by them. The only way the Judge can defend a decision is by the reasoning in the decision itself and it is certainly open to being criticized by anyone who thinks that it is erroneous".

22. Having considered the aforesaid well-settled principles of law, we have no manner of doubt that the publication in question as issued by the contemnor imputing improper motives to the Court and the Judges of such higher Courts, in no manner whatsoever can be categorized to be a fair criticism of either the Courts or any orders passed by the Court. In fact, the comments as made by the contemnor are well calculated, designed, and articulated to ascribe motives towards the Court and the Judges. They are intended to create a feeling of distrust and prejudice in the minds of the public against the Courts, Judges and the administration of justice. The contemnor certainly intended to scandalize the Court. Further, it is too harsh and unconstitutional when the contemnor writes that the democracy is crushed by the judicial system. Her comments in paragraph 2 of such publication, are a direct assault on the judicial proceedings, clearly interfering in the administration of justice. Her further comments as highlighted by us in paragraph 3 have transgressed all limits of what can be expected from any reasonable person of prudence and who would have a fair idea of the system of administration of justice by the Courts. The comments as made by the contemnor are reckless comments when she says that there is a "big dog mafia operating in the country, which has a list of High Court and Supreme Court Judges". Her comment in paragraph 4 of the publication is also an audacious attack on the Courts pernicious in its consequences, seriously affecting

the administration of justice and the confidence of people in the justice delivery system. The last paragraph of the publication is also a comment on the order dated 20 March 2023 passed by a co-ordinate Bench of this Court and on the learned Judges, who passed the order, when she writes that the learned Judge wants to impose an illegal order by using his power on the Municipal Corporation officers and the police.

23. With such contents of the writings of the contemnor as analyzed by us, there is hardly any scope for us to overlook the impact which such writing has intended to create on the mind of any reasonable person and the impression one would have on the confidence, which the people repose in the Courts. The question is whether with such vilification of the institution of the Court, we nonetheless accept the crocodile tears and the routine mantra of 'sorry' or 'apology' purportedly being tendered by the contemnor. When we say so, we are reminded of the words of Thakkar, J. in **L. D. Jaikwal Vs. State of U. P.**¹¹, when His Lordship observed :

"We are sorry to say we cannot subscribe to the "slap-say sorry-and forget" school of thought in administration of contempt jurisprudence. Saying 'sorry' does not make the slapper poorer. Nor does the cheek which has taken the slap smart less upon the said hypocritical word being uttered through the very lips which not long ago slandered a judicial officer without the slightest compunction."

24. In our clear opinion, the contemnor has taken all the opportunities even to justify on merits the circumstances under which, she has issued such objectionable writing and at the same time, has recited the apology mantra. We do not accept any apology, which does not show any contrition or any genuine

11 (1984) 3 SCC 405

remorse. Such apology in our opinion, is merely a weapon in defence with an impression that the contemnor can get away by such recitals. Thus, such conduct of the contemnor cannot escape punishment, being a consequence of her severe contumacious acts of making scurrilous and scandalizing remarks against the Courts and the Judges.

25. In the light of the above discussion, we are of the clear opinion that the contemnor is guilty of having committed criminal contempt of Court and accordingly, deserves maximum punishment to be awarded. The iron hands of law apply equally irrespective of the category of the contemnors. However, in the facts and circumstances of the case, we intend to impose a lesser punishment. Hence, the following order:

ORDER

- (i) The contemnor Ms. Vineeta Srinandan is held guilty of having committed criminal Contempt of Court and accordingly stands convicted under Section 12 of the Contempt of Courts Act, 1971.
- (ii) Ms. Vineeta Srinandan is sentenced to undergo simple imprisonment for a period of one week with a fine of Rs.2,000/- (Rs Two Thousand only).
- (iii) Ms. Vineeta Srinandan shall surrender herself to the Officer-in-Charge of the Bombay High Court Police Station.
- (iv) Warrant be issued accordingly.

26. Suo Motu Contempt proceedings stand disposed of in the aforesaid terms.

27. At this stage, Mr. Nankani, learned senior counsel for the contemnor, prays that the sentence as awarded be suspended for some time. We suspend the execution of the sentence for a period of 10 days from today.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)