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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3297 OF 2025
IN
CRI. SUO MOTU CONTEMPT PETITION NO.1 OF 2025**

Nilesh C. Ojha .. Applicant

In the matter between:

High Court of Judicature at Bombay
on its own motion .. Petitioner

Versus

Mr. Nilesh C. Ojha & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 2005 OF 2025
WITH
INTERIM APPLICATION NO.3209 OF 2025
IN
CRI. SUO MOTU CONTEMPT PETITION NO.1 OF 2025**

Nilesh C. Ojha .. Applicant

In the matter between:

High Court of Judicature at Bombay
on its own motion .. Petitioner

Versus

Nilesh C. Ojha & Ors. .. Respondents

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Mr. Darius Khambata, Senior Advocate with Dr. Milind Sathe,
Senior Advocate, Amici Curiae with Mr. Gaurav Srivastav,
Mr. Aditya Mhase & Ms. Rasika Satane, Advocates present.

Mr. Nilesh C. Ojha, Respondent No.1 and Applicant in all Interim
Applications appeared-in-person with Mr. Vijay Kurle, Mr. Ishwarlal
Agarwal, Mr. Partho Sarkar, Mr. Abhishek Mishra, Ms. Anushka
Sonawane, Mr. Devkrishna Bhambri, Mr. Shivam Gupta, Mr. Vikas
Pawar, Adv. Nicky Pokar, Ms. Meena Thakur, Ms. Priyanka
Sharma, Ms. Sonal Manchekar, Mr. Sagar Ugle, Ms. Nikita Kinjara,
Mr. Jayendra Manchekar.

Dr. Birendra Saraf, Advocate General with Ms. M. M. Deshmukh, Additional Public Prosecutor, for Respondent No.3-State.

Mr. Anil C. Singh, Additional Solicitor General with Mr. Aditya Thakkar, Ms. Savita Ganoo, Mr. D. P. Singh, Mr. Dhaval Shethia, Mr. Adarsh Vyas & Ms. Rama Gupta, Advocates for Respondent No.2-UoI.

Mr. Mahesh Pol with Ms. Rutuja Joshi i/by Mr. Prasad L. Gajbhiye, Advocates for Respondent No. 4-BCI.

Dr. Uday Warunjikar with Mr. Yogendra Rajgor, Advocates, for Respondent No.5-Bar Council of Maharashtra and Goa.

Mr. Naushad Engineer, Senior Advocate with Mr. Mukul Taly, Mr. Ravikumar Kamble, Ms. Shifa Quraishi i/by S. Mahomedbhai & Co., Advocates for Respondent No.6-The Bombay Bar Association.

Ms. Gunjan P. Shah, Advocate for Respondent No.7-Advocates' Association of Western India.

Mr. Naresh Thacker with Mr. Tanmay Bhawe i/by Economic Laws Practice, Advocates for Respondent No.8-Google LLC.

Mr. Ashwin Thool with Mr. Arshad Gada i/b Desai Desai Carrimjee & Mulla, Advocates for Respondent No. 9.

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**CORAM: SHREE CHANDRASHEKHAR, ACJ.,
M. S. SONAK,
RAVINDRA V. GHUGE,
A. S. GADKARI &
B. P. COLABAWALLA, JJ.**

DATE: 4th SEPTEMBER, 2025

P.C.:

INTERIM APPLICATION NO. 3297 OF 2025

Not on Board.

2. With the consent of parties, taken on Board.
3. Mr. Nilesh C. Ojha, appearing in-person, states that the statements made and stand taken by him in the Discharge Applications vide Interim Application Nos.2005 of 2025 and 3209 of 2025 are adopted by him and shall form part of his reply-cum-statement of defence in compliance of the order dated 7th August

2025 by which he was directed to file his reply-cum-statement of defence .

4. Mr. Nilesh C. Ojha, appearing in-person referred to several judgments of which references have been made in the Interim Application No.3297 of 2025. He has laid stress on the decisions in “*Sundeep Kumar Bafna v. State of Maharashtra & Anr.*” (2014) 16 SCC 623 and “*Bal Thackrey v. Harish Pimpalkhute*” (2005) 1 SCC 254 and endeavoured to demonstrate that the decision in “*Shri C. K. Daphtary & Ors. v. O. P. Gupta & Ors.*” (1971) 1 SCC 626 was statutorily overruled and the decision in “*Pritam Pal v. High Court of Madhya Pradesh*” (1993) Supp (1) SCC 529 has been expressly overruled by the Hon’ble Supreme Court in the subsequent decisions. He has also tried to distinguish the decision in “*Vijay Kurle, In Re & Ors*” (2021) 13 SCC 616.

5. On the other hand, the learned Advocate General and the learned *Amici Curiae* laid considerable emphasis on the decision in “*Vijay Kurle*” and extensively referred to various paragraphs in the said judgment. The learned Additional Solicitor General has also made his submissions and supported the learned Advocate General and the learned *Amici Curiae*.

6. The submission made at the Bar is that in exercise of powers under Article 215 of the Constitution of India the High Court has plenary powers to proceed against the contemnor(s) on receiving any “information” from any party or source. Opposing the prayers made in this Interim Application, it is submitted that this Application seeking impleadment of the so-called complainant, and who is a Sitting Judge of this High Court, is frivolous and there is no merit in the said application which is liable to be dismissed.

7. After hearing Mr. Nilesh C. Ojha, the learned Advocate

General, the learned *Amici Curiae* and the learned Additional Solicitor General, and having gone through the pleadings in the Interim Application No.3297 of 2025, we posed a question to Mr. Nilesh C. Ojha, appearing in-person as to why a contempt notice be not issued to him for making scandalous and scurrilous statements in this Interim Application and the person/advocate who drafted this Interim Application. We also pointed out to Mr. Nilesh C. Ojha that if the Court is satisfied contempt proceedings can be initiated also against the person who has drafted and filed this Interim Application with his *vakalatnama* and the person who argues the matter. On this query and notice to him, Mr. Nilesh C. Ojha, appearing in-person, states that he has himself drafted this Interim Application and the averments made thereunder are based on the decisions of the Hon'ble Supreme Court. Mr. Nilesh C. Ojha has raised a defence that the statements made in Interim Application No.3297 of 2025 are matters of record and true.

8. Order is reserved on the Interim Application No.3297 of 2025.

(ACTING CHIEF JUSTICE)

(M. S. SONAK, J.)

(RAVINDRA V. GHUGE,J.)

(A. S. GADKARI,J.)

(B. P. COLABAWALLA,J.)