

jvs/pdp

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

**CRI. SUO MOTU CONTEMPT PETITION NO.1 OF 2025
WITH
INTERIM APPLICATION NO. 3861 OF 2025
WITH
INTERIM APPLICATION NO. 3863 OF 2025
WITH
INTERIM APPLICATION NO. 3862 OF 2025
WITH
INTERIM APPLICATION NO. 3843 OF 2025
WITH
INTERIM APPLICATION NO. 2005 OF 2025
WITH
INTERIM APPLICATION NO. 3209 OF 2025**

High Court of Judicature at Bombay
on its own motion .. Petitioner
Versus
Mr. Nilesh Ojha & Ors. .. Respondents

**WITH
CRI. SUO MOTU CONTEMPT PETITION NO. 4 OF 2025**

High Court of Judicature at Bombay
on its own motion .. Petitioner
Versus
Nilesh Ojha .. Respondent

Dr. Milind Sathe, Senior Advocate (*Amicus Curiae*) assisted by
Mr. Bhushan Deshmukh, Mr. Gaurav Srivastav, Mr. Aditya
Mhase & Ms. Rasika Satone in SMPC/1/25.

Mr. Nilesh 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, Ms. Devkrishna Bhambri,
Mr. Shivam Gupta, Mr. Vikas Pawar, Mr. Nicky Pokar &
Ms. Meena Thakur, Ms. Priyanka Sharma, Ms. Sonal
Manchekar, Mr. Sagar Ugle, Ms. Nikita Kinjara and
Mr. Jayendra Manchekar.

Mr. Anil C. Singh, Additional Solicitor General with Mr. Aditya

Thakkar, Ms. Savita Ganoo, Mr. D. P. Singh, Mr. Adarsh Vyas, Ms. Rama Gupta, Mr Krishnakant Deshmukh and Mr. Rajdatt Nagre, Advocates for Respondent No.2.

Dr. Birendra Saraf, Advocate General with Ms. M. M. Deshmukh, In-Charge Public Prosecutor, Mr. Jay Sanklecha 'B' Panel counsel & Mrs.Geeta P.Mulekar, APP for Respondent No.3-State.

Mr. Prasad L. Gajbhiye, Advocate for Respondent No. 4 (Bar Council of India).

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

Mr. Nitin Thakkar, Senior Advocate with Mr. Naushad Engineer, Senior Advocate, Mr. Sehyr Taly, Mr.Ravikumar Kamble i/b S. Mahomedbhai & Co., Advocates for Respondent No.6 – The Bombay Bar Association.

Mr. S. M. Gorwadkar, Senior Advocate with Mr. Suresh Sabrad, Mr. Ashwin Kapadnis, Mr. Vikram N. Walawalkar, Ms. Gracy Saldanha, Advocates for Respondent No.7-Advocates' Association of Western India.

Mr. Naresh Thacker with Mr. C. Keswani & Mr. Tanmay Bhawe i/b Economic Laws Practice for respondent No.8 – Google LLC.

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

Mr. Tanveer Nizam i/b Adv Shivchand Mishra for intervenors in IA/3861/25, IA/3862/25 & IA/3863/25.

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

DATE: 16th OCTOBER 2025

P.C.:

Interim Application No. 3843 of 2025:

Mr. Tanveer Nizam, the learned counsel for the intervenors has given a list of three judgments, namely, (i) "*McLeod v. St. Aubyn*" (1899) AC 549; (ii) "*Ambard v. Attorney General of Trinidad*"

and Tobago” (1936) AC 322; and (iii) “*In Re: Sanjeev Datta, Deputy Secretary, Ministry of Information and Broadcasting, New Delhi & Ors.*” (1995) 3 SCC 619 as indicated by Mr.Nilesh Ojha, the contemnor in-person who has signed this paper, which forms part of the record.

2. This Interim Application has been filed with as many as Twenty-two prayers, runs into Six hundred Twenty-eight pages and the contemnor in-person seeks to rely on Two hundred Eighty-eight judgments. The body of the Interim Application itself is 404 pages and a case law compilation of Two hundred Eighty-eight judgments has been tendered in the Court, duly signed by the contemnor in-person. He has also tendered a copy of written submissions running into a hundred and two pages.

3. We have heard Mr. Nilesh Ojha, the contemner in-person for about Thirty minutes. He has submitted that he has filed this Interim Application seeking recall of the judgment dated 17th September 2025 by which he has been “convicted” for contempt without adverting to the decisions cited by him at the Bar. It is further submitted that the judgments in (i) “*McLeod v. St. Aubyn*” (1899) AC 549; (ii) “*Ambard v. Attorney General of Trinidad and Tobago*” (1936) AC 322; and (iii) “*In Re: Sanjeev Datta, Deputy Secretary, Ministry of Information and Broadcasting, New Delhi & Ors.*” (1995) 3 SCC 619 were not put to him when hearing of the Interim Application No.3297 of 2025 commenced on 4th September 2025 and, thus, the rules of natural justice were violated by this Court while delivering the judgment on 17th September 2025. Mr. Nilesh Ojha, the contemnor in-person has pressed one of the prayers made in this Interim Application for holding disqualification of the Five Judges constituting this Larger Bench on the ground of conflict of interest and further submitted that the Chief Justice must recuse from hearing the criminal contempt case. The prayer

made at clause (n) reads as under: -

“(n) To Hold Disqualification of the Five Hon'ble Judges in View of Conflict of Interest:- To hold that the order dated 17.09.2025, having been passed by the Five-Judge Bench comprising Hon'ble the Chief Justice Shri Chandrashekhar, Hon'ble Shri Justice M.S. Sonak, Hon'ble Shri Justice Ravindra V. Ghuge, Hon'ble Shri Justice A.S. Gadkari, and Hon'ble Shri Justice B.P. Colabawalla, and the fact that fifteen Advocates have already filed petitions seeking compensation and damages against the State, expressly referring to the violation of their rights due to the order passed by the said Hon'ble Judges and relying upon the law laid down in **McLeod v. St. Aubyn, (1899 AC 549)**, and **Lucknow Development Authority v. M.K. Gupta, (1994) 1 SCC 243**, gives rise to an apparent and direct conflict of interest. In such circumstances, and in accordance with the settled principles of judicial propriety, impartiality, and natural justice, the said Hon'ble Judges, being the authors of the impugned order, stand disqualified from adjudicating upon the present application and all connected matters in view of law laid down in **State of Punjab v. Davinder Pal Singh Bhullar, (2011) 14 SCC 770**.

Accordingly, it is just and necessary that this Hon'ble Court may be pleased to direct that the present matter be placed before an independent, appropriate Bench consistent with the law declared by the Hon'ble Supreme Court and in conformity with the constitutional guarantees of fairness and equality before law under Articles 14 and 21 of the Constitution of India.”

4. The contemnor in-person submits that the judgment rendered on 17th September 2025 is without jurisdiction and liable to be recalled. He refers to the decision in “*Indore Development Authority v. Manohar Lal*” (2020) 6 SCC 304 and submits that the procedure for recusal indicated in paragraph No.60 of the said judgment should be followed by this Larger Bench and this Interim Application should be referred to another “independent” Bench. In this context, he has also referred to the decision in “*R. Vishwanathan v. Rukn-ul-Mulk Syed Abdul Wajid*” 1962 SCC OnLine SC 112.

5. At this stage, Mr. Nilesh Ojha, the contemnor in-person interjects and submits that all his points have yet not been heard by this Bench. This objection raised by the contemnor in-person is overruled. As we have noted, the contemnor in-person started his arguments stating that this is an application for recall of the

judgment dated 17th September 2025 and he has been heard on that point. It was in course of the hearing that the contemnor in-person raised the plea of recusal of the Chief Justice and disqualification of the Five Judges constituting the Larger Bench and his submission has been recorded in the earlier part of this order. This is not the law in this country that all the Twenty-two prayers made in this Interim Application which are spread over Thirty-seven pages must be recorded and considered by the Court.

6. We do not find any substance in this application seeking recall of the judgment dated 17th September 2025. The contemnor in-person seeks to agitate before this Court that the judgments in “*Bal Thackrey v. State of Maharashtra*” (2005) 1 SCC 254 and “*C. K. Daphtary v. O. P. Gupta*” (1971) 1 SCC 626 were not considered by this Court and, on the contrary, the decisions in “*Pritam Pal v. High Court of M. P.*” (1993) Supp. 1 SCC 529 and “*Re: Vijay Kurle*” (2021) 13 SCC 616, were wrongly relied on by this Court in its judgment dated 17th September 2025. This submission is wrong, both on facts and in law. The judicial pronouncements which were considered relevant by us for pronouncing the judgment on the issues raised before the Court are referred in the judgment dated 17th September 2025. In our opinion, if the applicant-contemnor appearing in-person thinks that some of the so-called overruled judgments were considered by this Court in the judgment dated 17th September 2025 and seeks to challenge the said judgment, his remedy lies before the higher Forum and not in this Court. The prayer for recusal of the Chief Justice and disqualification of the Five Judges constituting the Larger Bench is, least to say, frivolous and does not merit consideration.

7. We observe that in the past the contemnor in-person has filed Interim Applications and statements of defence running into a thousand of pages. He refers to hundreds of judgments and, for

example, in the present Interim Application he has referred to Two hundred Eighty-eight judgments. He has filed applications repeating his prayers framed in different manner and in different language. He uses intemperate language and makes scandalous statements in the Interim Applications. The filing of this Interim Application by the contemnor in-person is sheer abuse of the process of the Court. Just to indicate, filing of frivolous applications by a litigant in a Court proceeding shall amount to contempt of Court [refer, “*Advocate-General, State of Bihar v. M/s. Madhya Pradesh Khair Industries & Anr.*” (1980) 3 SCC 311]. We may further observe that the present Interim Application is in the series of previous Interim Applications and an attempt to circumvent the main criminal contempt proceedings against him. We may also indicate that filing of this Interim Application with prayers seeking recusal of the Five Judges constituting this Larger Bench shall amount to contempt of the Court and a separate proceeding can to be initiated against the contemnor in-person.

8. After dictating this order, we have indicated to Mr. Nilesh Ojha, the contemnor in-person that henceforth he should not file such petitions/applications in the present proceedings burdening the Court with hundreds of pages of frivolous and scandalous pleadings and hundreds of judgments. We have also indicated to Mr. Nilesh Ojha, the contemnor in-person that, if in the present criminal contempt proceedings his conduct is not found appropriate in future, he may be taken into custody.

9. In view of the foregoing discussions, Interim Application No. 3843 of 2025 is dismissed.

10. Post the contempt petitions and pending Interim Applications on 20th November 2025 at 3:00 p.m.

(CHIEF JUSTICE)

(M. S. SONAK, J.)

(RAVINDRA V. GHUGE,J.)

(A. S. GADKARI,J.)

(B. P. COLABAWALLA,J.)

JAYANT
VISHWANATH
SALUNKE

Digitally signed by
JAYANT
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Date: 2025.10.20
16:27:42 +0530