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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CASE NO.: CRM-M-35246-2025 (O&M)

Dr. Rajesh Kumar Jain

.....Petitioner

Versus

Sandeep Mehra

.....Respondent

1.	Date when Order / Judgement was reserved	22.01.2026
2.	Date of Decision / pronouncement of Order / Judgement	11.02.2026
3.	Date of uploading Order / Judgement	11.02.2026
4.	Whether operative part or full Order / Judgement is pronounced	FULL
5.	Delay, if any, in pronouncing of full Order / Judgement, and reasons thereof	NOT APPLICABLE
6.	Whether Speaking/Reasoned	YES
7.	Whether Reportable	YES

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Dr. Rajesh Kumar Jain, petitioner-in-person.

Mr. Vivek Salathia, Advocate,
Amicus Curiae.

SANJAY VASHISTH, J.

1. Petitioner – Dr. Rajesh Kumar Jain has filed instant petition under Section 528 and 395 of BNSS, 2023, for quashing of an interlocutory order dated 15.05.2025 (Annexure P-1), passed by learned Judicial Magistrate Ist Class, Jind, in CRM No. 129 of 2024, in case titled as “Dr. Rajesh Jain v. Sandeep Mehra”, whereby complainant/petitioner Dr. Rajesh Kumar Jain has been directed to engage a trained advocate and to make any future appearance in the matter only through an advocate.



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Besides, praying for issuance of directions to the learned District Judge, Jind, as also the Trial Court Magistrate, petitioner has prayed for grant of compensation also.

FACTUAL MATRIX:-

2. Relevant facts of the present case, as this Court has been able to culled out, are that in the year 2018 the petitioner had instituted a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'NI Act'), bearing case No. NACT-694-2024, against Sandeep Mehra (respondent herein) regarding bouncing of a cheque amounting to Rs. 5,00,000/-. The said case was finally decided by the Court of Mr. Vivek Singh, Judicial Magistrate Ist Class, Jind, vide judgement dated 12.11.2024, acquitting the accused/respondent Sandeep Mehra. Feeling aggrieved, petitioner firstly filed CRM-A-97-2025, challenging the judgement dated 12.11.2024, seeking leave to appeal.

In view of the law laid down by Hon'ble the Apex Court, in the case of **M/s Celestium Financial v. A. Gnanasekaran etc.** [Criminal Appeal Nos. 1868-70 of 2025, decided on 08.04.2025, reported as 2025 (3) RCR (Criminal) 208 : Law Finder Doc Id # 2737710 : 2025 SCC OnLine SC 1320], CRM-A-97-2025 was disposed of by this Court, vide order dated 09.07.2025, directing the learned Sessions Judge, Jind, to treat the said leave to appeal as an appeal filed under Section 372 of the Cr.P.C. and entrust the same to any appropriate Court to try the same. Thereupon, said dispute is pending adjudicating before the lower Appellate Court as CRA No. 393 of 2025, in the Court of learned Additional Sessions Judge, Jind.

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3. During pendency of Complaint No. NACT-694-2024, under Section 138 of the NI Act, petitioner filed an application dated 05.09.2024, under Sections 195 and 340 Cr.P.C., for punishing the accused/respondent Sandeep Mehra, for furnishing false information in the course of judicial proceedings, willfully and intentionally, by false statements under oath, knowing them to be false, and willfully obstructing the administration of justice.

When said application came up for consideration on 15.05.2025, impugned order was passed by the Court of Mr. Vivek Singh, learned Judicial Magistrate Ist Class, Jind, which reads as under:-

“CNR No.HRJN030041782024 CIS No.CRM/129-2024

Dr. Rajesh Jain Versus Sandeep Mehra

*Present: Complainant Dr. Rajesh Jain in person.
Shri Ankush Sharma, Advocate for accused
Sandeep.*

*Arguments on the application under Section
195 and 340 of Cr.P.C. not advanced.*

The court asked the complainant to engage a counsel so that he may be in the position to represent his case properly before the Court. The complainant has been offered to take help of legal aid counsel. The complainant submitted that he is in the good position to represent his case and well conversant with the law. The complainant stated that he does not want to engage a lawyer.

Heard, after considering the conduct of complainant, this Court deems it proper to issue certain directions to him. The complainant has claimed himself to be a senior doctor and specialist Orthopedic Surgeon who is engaged in private practice in Delhi and NCR region. The complainant has not taken any legal assistance despite being offered. The complainant appears before this Court regularly in several cases and has been asked to take help of a trained advocate but, the complainant has clearly refused.



This Court has taken note of the conduct of complainant in the Court on several occasions. Hence, this Court is of the view that the complainant might be aware of some of the legal provisions but he has acute deficiency of the knowledge about the court processes. The complainant is not a formally trained person in law and does not have understanding of legal procedure and therefore, in order to decide the controversy correctly and to preserve the dignity of court during the judicial process, this Court believes that the complainant must take assistance of a trained advocate who, will be able to present the case of complainant before this Court properly.

*The Hon'ble Punjab & Haryana High Court in **Satish Kumar Saini and Anr. Versus State of Punjab and Ors, CRM-M19799 of 2024 (O&M) decided on 17.12.2024** has held that there is no indefeasible right vested in litigant to appear on his/her own before Court and it is within the discretion of such Court to grant or not to grant permission to such litigant to appear on his own. The guidelines postulated in the said judgment of the Hon'ble Punjab and Haryana High Court are reproduced as under:*

"I. (i) There is no right nay indefeasible right vested in litigant to appear on his/her own before a Court and it is within the discretion of such Court to grant or not to grant permission to such litigant to appear on his own.

(ii) It is neither axiomatic nor fathomable to lay down any exhaustive set of guidelines for exercise of such direction by a Court as every case has its own peculiar factual matrix.

II. No written/specific application is required to be moved by a litigant to appear on his/her own.

III. In case a litigant wishes to appear on his/her own but it is not permitted by the Court and such litigant expresses financial constraint(s) for availing assistance/services of an Advocate; he/she ought to be provided the assistance of a free Legal Aid Counsel in case he/her is unable to engage a Counsel".

In view of the same, the complainant is directed to engage a trained advocate and to make any future appearance in the matter only through an advocate.

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Now, the adjourned to 10.07.2025 for consideration on the application under Section 195 and 340 of Cr.P.C.

*Date of Order: 15.05.2025
Pooja, Stenographer Gr.III*

*Sd/-
(Vivek Singh)
JMIC, Jind
UID NO.HR0388"*

Challenging the impugned order dated 15.05.2025 (Annexure P-1), petitioner has filed the instant petition.

APPOINTMENT OF AMICUS CURIAE:-

4. After going through the pleadings of the petitioner, who is appearing before this Court in person in the present petition, this Court noticed that certain serious allegations/imputations have been levelled by him against the Judicial Officer (named above). Accordingly, before examining the prayer of the petitioner, and to determine whether the allegations mentioned in the petition, carry any credibility, truth, and correctness, or if they are merely vague or unfounded, this Court deemed it appropriate to appoint Mr. Vivek Salathia, Advocate, as an *Amicus Curiae*, vide order dated 09.07.2025, which reads thus:-

“Present: Petitioner in person.

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The present petition under Section 528 and 395 of BNSS has been filed for quashing of the order dated 15.05.2025 (Annexure P/1), passed by JMIC Jind, Mr. Vivek Singh in pending CRM-129-2024 and also for appropriate directions to the learned District Judge Jind, as also the trial Court Magistrate and for compensating the petitioner.

Before examining the prayer of the petitioner, it becomes necessary for this Court to understand the allegations against the Judicial Officer, whose order has been challenged through the instant petition by the petitioner-Dr. Rajesh Jain himself, who is appearing before this Court in person. It is to be determined whether the allegations mentioned in the petition, carry any credibility,



truth, and correctness, or if they are merely vague or unfounded.

Mr. Vivek Salathia, Advocate, is deputed to assist this Court as Amicus Curiae. He shall be supplied with the complete set of the petition during the course of the day.

The matter is adjourned to 15.07.2025.

Meanwhile, the petitioner is directed to place on record the details, in the form of an affidavit, regarding all the litigations filed at the instance of the petitioner, including the ongoing litigations, by furnishing details of their nature and substance and the Court where same is/are pending.”

5. Thereafter, in compliance to the direction dated 09.07.2025, petitioner filed an affidavit dated 14.07.2025, annexing therewith the chart of his pending/decided cases, which contains details of total 38 cases.

Another additional affidavit, dated 06.10.2025 was also filed by the petitioner, alongwith a chart containing details of 09 cases, stated to be pending in the Court of Mr. Vivek Singh, Judicial Magistrate Ist Class, Jind. Alongwith his additional affidavit, petitioner has also annexed the following documents:-

1. Copy of the letter dated 01.04.2025, sent by the learned District and Sessions Judge, Jind, to the Registrar General of High Court, intimating loss of record in case bearing CIS No. COMI/91-2024, titled as ‘R.K. Jain alias Rajesh Jain vs. Rambir Khatkar and another’, pending in the Court of Mr. Vivek Singh, JMIC, Jind;



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2. Copy of an e-mail dated 20.03.2025, sent by the petitioner, vide which reply to the show cause notice, issued to him by the Court of Mr. Vivek Singh in case No. COMI/91/2024, was given;
3. Copy of order dated 19.04.2025 passed in case No. COMI/91/2024;
4. Copy of order dated 18.03.2021, passed in case No. NACT-436-2018;
5. Copy of statement of Sandeep Kumar Mehra;
6. Copies of the reports, dated 25.05.2024 and 31.05.2024, made by the process serving agency regarding non residing of said Sandeep Kumar Mehra at the address given by him in his statement; and
7. Particulars of 05 Complaints, under Section 138 of the NI Act, filed by the petitioner against accused Sandeep Mehra (respondent herein)

SUBMISSIONS OF *AMICUS CURIAE*:

I. Re: challenge by the petitioner:-

6. Mr. Vivek Salathia, learned *Amicus Curiae*, while assisting this Court in the present case submitted that for challenging the impugned order dated 15.05.2025 (Annexure P-1), petitioner has levelled direct allegations/imputations against Mr. Vivek Singh, learned Judicial Magistrate Ist Class, Jind, such as judicial misconduct, systematic targeting of the petitioner, malice, biased attitude, preset-mind, illegal acts, and tampering/manipulation of judicial record etc. Other than this,



petitioner has claimed that he is a qualified doctor and specialist Orthopaedic Surgeon, engaged in private practice in Delhi and NCR region; well versed with the court procedures & law; and was/is regularly appearing before various judicial and quasi-judicial fora, such as District Courts, High Courts and even before Hon’ble the Apex Court since long.

II. **Re: basis of making assertions made by the petitioner:-**

7. Learned *Amicus* also pointed out that in support of the assertions made against the learned Magistrate named above, in the present proceedings, petitioner has relied upon the following:-

Sr. No.	Description	Remarks
1.	Dismissal of Civil Suit No. 730 of 2017 on 06.08.2024, on the ground of being barred by limitation.	Civil Appeal No. CA-221-2024 is pending.
2.	Conducting of proceedings in Execution Petition No. 65 of 2022 in a casual and irregular manner; and not taking any action qua loss of record such as Judgement and Decree and other material documents from judicial file.	Vide order dated 13.08.2024 (Annexure P-4), Judgement Debtor in this case was issued show cause notice as to why he be not committed to civil imprisonment for enforcement of judgement and decree. Petitioner also filed an application for initiation of contempt proceedings against JD (Annexure P-5)
3.	Passing the order of acquittal of accused Sandeep Mehra in a complaint case, under Section 138 of NI Act, bearing case No. NACT-694-2024, and falsely labelling the petitioner as a money-lender.	Judgement of acquittal was challenged by the petitioner before High Court in CRM-A-97-2025, and now the matter is <i>sub-judice</i> in the Court of Additional Sessions Judge, Jind, after remand by the High Court.
4.	Issuance of show cause notice to the petitioner in case No. COMI/91/2024, titled as Rajesh Jain v. Rambir Khatkar and another, for intentionally	Reply to the show cause notice has been filed by the petitioner (Annexure P-3)



	sending false e-mail to seek an adjournment	
5.	Non supply of list of documents/documents by copying agency in case No. NACT-545-2017, with a wrong report that no such list of documents is available on file.	
6.	Wrong allegation that the petitioner has removed the reply to the show cause notice from the file/record of COMI/91/2024	
7.	Tampering of judicial files concerning the petitioner by court-staff but not taking of any action against them.	
8.	Passing of impugned order dated 15.05.2025 with pre-determined mind.	
9.	Material documents from judicial file of case No. NACT-545-2017 were removed, facilitating acquittal of the accused.	SLP is stated to be pending in Hon’ble Apex Court.

III. Re: any absolute right to appear in person:-

8. As regards the absolute right of the petitioner to appear in person, learned *Amicus* firstly referred to the provisions of Sections 29 and 32 of the Advocates Act, 1961, which entail as under:-

“29. Advocates to be the only recognized class of persons entitled to practice law – Subject to the provisions of this Act and any rules made thereunder, there shall, as from the appointed day, be only one class of persons entitled to practice the profession of law, namely, advocates.

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32. Power of court to permit appearances in particular cases - Notwithstanding anything contained in this Chapter, any court, authority, or person may permit any person, not enrolled as an advocate under this Act, to appear before it or him in any particular case.”



In the next limb of his submissions, learned *Amicus* cited the judgement of the Co-ordinate Bench of this Court in the case of Satish Kumar Saini and another v. State of Punjab and others (CRM-M-19799-2024, decided on 17.12.2024), reported as Law Finder Doc Id # 2674985 : 2025(1) RCR (Criminal) 436. In the said case, one of the issue for consideration was: *as to whether a litigant/party to a lis has a right to appear in person and plead his/her own case*, and after noticing the provisions of Sections 29 and 32 of the Advocates Act, 1961 and various judgements of Hon'ble the Apex Court, it has been concluded that there is no right nay indefeasible right vested in litigant to appear on his/her own before a Court and it is within the discretion of such Court to grant or not to grant permission to such litigant to appear on his own.

Learned *Amicus*, thus, submitted that in terms of Section 32 of the Advocates Act, 1961, a discretionary power is vested with the Court/authority etc. to allow a party/person to appear on his/her own, by use of the word “may”. This word signifies a conferment of power where the power is wide enough to cover both an acceptance and a refusal of a plea, depending upon the facts of such plea. Ordinarily, the word “may” is not a word of compulsion. It is an enabling word and it only confers capacity, power or authority and essentially implies discretion.

Further submitted that the language as also phraseology employed in the Advocates Act, 1961, is precise, plain, unambiguous and unequivocal and the power reserved in the Court/authority etc. is discretionary in nature. In other words, it is left entirely upon the



discretion of the concerned Court/authority etc. to examine the feasibility of granting permission to any person to assist the Court on his/her own.

IV. Re: power of Trial Court to direct litigant to seek legal assistance:-

9. Learned *Amicus* has also submitted that in the present case, the petitioner has questioned the power of learned Magistrate to direct him to engage a trained advocate and to make any future appearance in the matter only through an advocate. Thus, it has to be analysed whether the Trial Court has power to direct him to seek legal assistance.

In this regard, learned *Amicus* has pressed into the provision of Section 339(2) of BNSS, 2023 (corresponding Section 302(2) of Cr.P.C.), whereunder the Magistrate is competent to allow any person to conduct the prosecution personally. However, the word used in Section 339 again is “may”, which clearly means that the discretion is vested with the Magistrate to grant or refuse permission. Section 339 of BNSS, 2023 is reproduced as under:-

“339. *Permission to conduct prosecution.* -

(1) Any Magistrate inquiring into or trying a case may permit the prosecution to be conducted by any person other than a police officer below the rank of inspector; but no person, other than the Advocate-General or Government Advocate or a Public Prosecutor or Assistant Public Prosecutor, shall be entitled to do so without such permission:

Provided that no police officer shall be permitted to conduct the prosecution if he has taken part in the investigation into the offence with respect to which the accused is being prosecuted.

(2) Any person conducting the prosecution may do so personally or by an advocate.”



10. Learned *Amicus* also referred to the ‘**Canons of Judicial Ethics**’, as contained in Volume-IV of the High Court Rules and Orders, which have been regarded as “*canons for professional conduct of judicial officers*”; required to be used as a reminder for judges and as indicating what the people have a right to expect from them; have been issued as a general guide, but the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative though not specifically mentioned; and that the public should have absolute confidence in the integrity and impartiality of judicial officers.

At Sr. Nos. 11 and 15 of the ‘Canons of Judicial Ethics’, it has been provided as under:-

“11. Unprofessional Conduct of Counsel. - *He should utilize his opportunities to criticise and correct unprofessional conduct of Counsel, brought to his attention ; and, if adverse comment is not a sufficient corrective, should report the matter at once to the High Court.*

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15. Interference in conduct of trial. - *He may properly intervene in a trial of a case to promote expedition, and prevent unnecessary waste of time, or to clear up some obscurity, but he should bear in mind that his undue interference, impatience, or participation in the examination of witnesses, or a severe attitude on his part toward witnesses, especially those who are excited or terrified by the unusual circumstances of a trial may tend to prevent the proper presentation of the cause, or the ascertainment of the truth in respect thereto.*

Conversation between the judge and counsel in court is often necessary but the judge should be studious to avoid controversies which are apt to obscure the merits of the dispute between litigants and lead to its unjust disposition. In addressing counsel, litigants, or witnesses, he should avoid a controversial manner or tone.



He should avoid interruptions of counsel in their arguments except to clarify his mind as their positions, and he should not be tempted to the unnecessary display of learning or a premature judgment.”

11. Learned *Amicus* also submitted that though there are no specific provisions contained under the scheme of the Cr.P.C. or BNSS, however, the Trial Court while exercising powers of criminal court has powers to regulate its functioning in a manner which is best suited for administration of justice.

In a given case, even if a litigant insists on self-representation or refuses legal help, the Court is duty bound to impart justice and the Court may override that refusal, especially if the case risks being mishandled or prejudiced. Hence, in criminal complaints, the Court can appoint a counsel for its own assistance, even if the complainant/litigant refuses legal representation. This is done to ensure that the proceedings are fair, legally sound, and not hindered by lack of expertise or cooperation.

V. Re: whether averments made in the petition amounts to criminal contempt:-

12. Learned *Amicus* also raised serious concern about the words and phraseography used by the petitioner in his petition and subsequent additional affidavit dated 06.10.2025. In paragraph Nos. 1 to 4 as also in the grounds of present petition, allegations have been levelled against the Trial Judge by name, by using the words ***“pre-set mind”, “actuated with malice”, “framing of false records”, “manipulating judicial records”, “levelling of false, preposterous and absurd allegations”, “prejudicial conduct”, “systematic and planned targeting of the petitioner”***.



However, perusal of the petition filed by the petitioner and the record in the form of annexures, appended alongwith the petition including the affidavit in support of the averments made in the petition, do not substantiate any of the allegations levelled by the petitioner against the learned Trial Court judge.

According to the learned *Amicus*, the said allegations have been made without evidence or due diligence and the language used is derogatory and is scandalous. Hence, such conduct not only undermines the dignity of the court but also constitutes criminal contempt under Section 2(c) of the Contempt of Courts Act, 1971.

ANALYSIS AND FINDING:-

13. I have gone through the pleadings of the present case minutely and considered the submissions addressed by learned *Amicus Curiae*.

14. From reading of the factual backdrop recorded in the earlier part of this judgement, this Court finds that the instant petition has been actuated by the petitioner, just to satisfy his “*whims and fancies*”, by levelling direct allegations/imputations against learned Judicial Magistrate Ist Class, Jind, such as judicial misconduct, systematic targeting of the petitioner, malice, biased attitude, pre-set mind, illegal acts, and tampering/manipulation of judicial record etc.

15. The petitioner may be very good in his own profession, i.e. being a doctor and specialist Orthopaedic Surgeon, and might have been appearing before different Courts or authorities in person by filing and defending his cases, but it does not mean that he is having an absolute or



indefeasible right and permanent entitlement that cannot be annulled, revoked, or voided by any Court of law. The position of law as regard the power of Court to permit appearances in particular cases is well defined.

16. Our Constitutional framework extends '*freedom of expression*' and '*freedom of speech*', enabling citizens to express freely. This freedom in turn helps in revelation of mistakes or bias or at times even corruption. Freedom of expression in arguments plays a pivotal role in the development of judicial dignity, equality, justice, and to secure the protection of other fundamental human rights. It is essential to the rule of law and liberty of the citizens. The advocate or the party appearing in person, therefore, is given liberty of expression. At the same time, they equally owe countervailing duty to maintain dignity, decorum and order in the court proceedings or judicial process. The liberty of free expression is not to be confounded or confused with licence to make unfounded allegations against any institution, much less the judiciary.

17. Co-ordinate Bench of this Court (Sumeet Goel, J.), while dealing with the question: ***whether a litigant/party to a lis has a right to appear in person and plead his/her own case***, has made the following pertinent observations, in para Nos. 11 to 16 of the judgement, in the case of **Satish Kumar Saini and another (supra)**:-

“11. The right of an aggrieved individual to approach a judicial forum is a cornerstone of the rule of law and forms a fundamental pillar of our democratic legal system. However, the exercise of this right is not unqualified and is subject to procedural and adjectival laws established by the legal framework of the land. These procedural norms are designed to ensure not only the effective redressal of grievances but also the orderly functioning of courts. In



furtherance of these objectives, the Advocates Act, 1961, places a general restriction on non-advocates appearing and practicing before Courts as a matter of right. This statutory framework is aimed at safeguarding the quality of judicial proceedings by ensuring that those appearing before the Courts possess the requisite legal expertise and understanding of the law. The Indian Judicial System, operating primarily on an adversarial framework, inherently relies on the advocates of rival parties to facilitate the effective conducting of judicial proceedings. This system entrusts; the responsibility of presenting facts, evidence and legal arguments; upon the advocates, who act as intermediaries between their clients and the Court. The role of the judiciary is not confined to determining which party has presented its case more effectively or persuasively; rather, it is committed to the higher objective of dispensing justice in accordance with law, equity and the principles of fairness. This justice-oriented approach necessitates that the Court receives adequate assistance from rival sides, enabling it to reach decision that aligns with the ends of justice. Advocates play a pivotal role in this process, acting as essential instruments in the administration of justice. A judge, often likened to the charioteer of justice, requires the support of well-informed and legally skilled advocates who function as the wheels of the chariot, ensuring its smooth and effective movement. Without such assistance, the judicial process risks being impaired, leaving the Court ill-equipped to address the complexities of disputes brought before it. The adversarial judicial system in our country is fundamentally dependent on the competence, integrity and ethical conduct of advocates. By conferring the nearly exclusive right to represent parties in Court upon qualified professionals, the Advocates Act, 1961 ensures that the judiciary is supported by individuals who possess the requisite legal knowledge and professional commitment. Advocates, as officers of the Court, bridge the gap between the parties and the judiciary, providing the Court with the assistance it needs to fulfill its constitutional mandate of delivering justice. This partnership between the bench and the bar forms the backbone of the judicial process, fostering a system where justice prevails, not through the rhetorical prowess of one party over another, but through a fair and informed adjudication of disputes. The role of advocates in this system, therefore, transcends mere representation; it is integral to the preservation of the rule of law and the realization of justice. Advocates are the Officers of the Court and they will not necessarily tell the Courts only those things which go in favour of their clients but will also let the Court know about the factors, especially the ones in



law, which would go against their clients. Advocates do not plead only for their clients but they, infact, plead to assist the Court in reaching the correct conclusions. The Hon'ble Supreme Court in the case of Dr. D.C. Saxena (supra) [Dr. D.C. Saxena v. Hon'ble the Chief Justice of India, (1996) 5 SCC 216] has elucidated the salutary nay indispensable role of Advocates in our justice dispensation system. Therefore, a near exclusive right has been vested in 'Advocates' to cause representation before a Court/authority etc. in Section 29 of the Advocates Act, 1961.

12. The statutory provision, for enabling a party-in-person to appear on his/her own, is essentially encapsulated in Section 32 of the Advocates Act, 1961. A bare perusal of this provision would reflect that, a discretionary power has been vested in the Court/authority etc. to allow a party-person to appear on his/her own, by use of the word "may". This word signifies a conferment of power where the power is wide enough to cover both an acceptance and a refusal of a plea, depending upon the facts of such plea. Ordinarily, the word "may" is not a word of compulsion. It is an enabling word and it only confers capacity, power or authority and essentially implies discretion. Still further; the Golden Rule of Interpretation (Literal Rule of Interpretation), as relied upon by the Hon'ble Supreme Court in the judgments of Dikshitulu's case (supra) [Chief Justice of A.P. v. L.V.A. Dikshitulu, (1979) 2 SCC 34] and Laxmi Narain Dhut's case (supra) [National Insurance Co. Ltd. v. Laxmi Narain Dhut, (2007) 3 SCC 700], when applied in the present scenario to Section 32 of the Advocates Act of 1961, shows that the language as also phraseology employed in this legislation is precise, plain, unambiguous and unequivocal and the power reserved in the Court/authority etc. is discretionary in nature. In other words, it is left entirely upon the discretion of the concerned Court/authority etc. to examine the feasibility of granting permission to any person to assist the Court on her/his own.

There is no gainsaying that, such discretion ought to be exercised by a Court/authority, in accordance with the well settled principles of justice, equity and good conscience.

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13. In our judicial adjudicatory system, there are two prime aspects, firstly, the Judge needs the assistance of trained advocates in order to decide the controversy



correctly, secondly, the dignity of the judicial process and Courts ought to be preserved. If a party-in-person fails in both or even in any one of them, it would be a tragedy for the Court as well as for the litigant. May be a litigant loses his/her case only because he/she was not able to project the case correctly before the Court or may be because he/she is not well aware as to what conduct is expected of him/her in a Court room. Sometimes such a conduct can be voluntary or sometimes it can be innocent but the danger of dilapidation of the justice system is always imminent. A litigant may have a cogent cause to seek for appearing in propria persona in the Court, to defend his/her interest/right and may try to demonstrate sufficient as well as imperative reasons for the intervention of the Court in the matter, but may be actually a naive person who is unable to put forth his/her case properly. It is the province of the Judge to recognize the lack of formal legal training of such litigants, ergo be lenient towards procedural errors committed by them; sometimes, judges may provide guidance or explanation to such litigants regarding the court procedures and rules, aiming to ensure that such litigants have a fair opportunity to present their cases. Hence, to promote access to justice some flexibility in the otherwise straight jacketed procedures may be allowed. Nonetheless, it has been observed that despite the resoluteness, intelligence and best intentions on the part of such litigants, in most of the scenarios, there is an acute deficiency of even basic information in laws and legal processes. Such exiguous legal know-how becomes detrimental to the case/petition itself, rather it exacerbates the hardships of disputations, and may also cause such a litigant to suffer serious consequences. Where a litigant, though not formally trained in law, demonstrates a reasonably sound understanding of legal principles, the procedural framework, and the facts of the case, the Court may consider allowing such a person to appear and address it. This ensures that access to justice remains meaningful and inclusive, particularly for informed and capable citizens seeking to represent themselves. However, the courts must exercise great caution in permitting uninformed or inadequately prepared individuals to plead their cases personally. Incompetent representation by ill-equipped litigants may result in incomplete presentation of facts, misinterpretation of legal principles, and a failure to address critical issues, thereby hindering the Court's ability to arrive at a just decision.

14. *There is yet another aspect of the matter viz. if the litigant who seeks to represent himself/herself has poor antecedents or irresponsible behaviour or dubious character, the Court may receive counter-productive*



assistance from him/her. The Court, as also the entire justice system, would suffer if quarrelsome, ill-informed or block headed party-in-person is permitted to appear. There are other situations where, if permission is granted to a party-in-person to appear for himself/herself, it may be obstructive nay destructive of justice. Such situations are, by nature thereof itself, are not capable of being exhaustively enumerated.

15. *Especially, in the marital disputes, lack of the emotional distance and objectivity waylays the entire matter-in-hand. Disintegration of marriage is an affecting and stirring situation for both spouses, as well as for the extended family and close associates. Even the most rational, well grounded and sagacious of a person is likely to be disconcerted and unnerved in such a disheveled personal scenario; and this gets exacerbated, especially in a public forum like open Court proceedings. When emotions are running high or the parties are wrapped up in their emotional turmoil, no one is inclined towards constructive problem solving or dispute resolution. Indubitably, the parties also surmise that only they can present their case; only they can be privy to their injury, sufferings and troubles; that their circumstances are unique, peculiar and specific to an extent that no one else can commentate upon them. There is also an urge to vent out the overawed emotions, since no other forum, especially public forum is available to justify their stance. Often enough, the Court proceedings are overlaid with emotional turmoil and extend the suffering of the parties due to protracted and drawn out matches of words. In such cases, self-representation becomes a stumbling block.*

The skepticism of a litigant(s) towards having an Advocate representing them stems out of a general wariness, understandably, due to unfamiliarity with the legal system, technical and procedural. Often, this translates into a distrust towards representation by an Advocate as such no litigant believes that no standard legal framework can satisfy their unique circumstances. However, Advocates are bulwark of the well-wrought justice system, adept at legal procedures, proficient and well-versed with knowledge of laws, rules and regulations. And, a large workforce of advocates, specializing in various aspects of legal acumen, means that a large pool of expertise is in existence. If a litigant is stepping out to a public forum/open Court proceedings to covet justice, fairness and impartiality; he/she ought also attempt to rise above any prejudice or predilection towards distrust as regards the



Justice system and those who all are committed towards upkeeping it, especially Advocates.

15.1. In case a litigant is wanting to appear in person for the reason, that he/she is unable to engage the assistance of a lawyer on account of financial constraint, the same can well be remedied by providing for a legal aid counsel. There is a robust mechanism provided for grant of free legal assistance under the aegis of the Legal Services Mechanism in this regard.

“16. As a result of above-said rumination, the following postulates emerge:

I. (i) There is no right nay indefeasible right vested in litigant to appear on his/her own before a Court and it is within the discretion of such Court to grant or not to grant permission to such litigant to appear on his own.

(ii) It is neither axiomatic nor fathomable to lay down any exhaustive set of guidelines for exercise of such direction by a Court as every case has its own peculiar factual matrix.

II. No written/specific application is required to be moved by a litigant to appear on his/her own.

III. In case a litigant wishes to appear on his/her own but it is not permitted by the Court and such litigant expresses financial constraint(s) for availing assistance/services of an Advocate; he/she ought to be provided the assistance of a free Legal Aid Counsel in case he/her is unable to engage a Counsel”

18. After reading the provision of Section 32 of the Advocates Act, 1961, and the judgement of **Satish Kumar Saini’s case (supra)**, there is no possibility for this Court to take a different view than what has already been taken by the Co-ordinate Bench of this Court. Thus, it is held and reiterated that a litigant/party has no indefeasible right to appear on his/her own before a Court and it is within the discretion of such Court to grant or not to grant permission to such litigant to appear on his own.



19. In addition, this Court also found force and is in agreement to the submissions addressed by learned *Amicus* qua power of learned Magistrate to direct the petitioner to engage a trained advocate and to make any future appearance in the matter only through an advocate.

Thus, it is held that: even if a litigant insists on self-representation or refuses legal help, the Court is duty bound to impart justice and the Court may override that refusal, especially if the case risks being mishandled or prejudiced. Hence, in criminal cases, the Court can appoint a counsel for its own assistance, even if the complainant/litigant refuses legal representation. This is done to ensure that the proceedings are fair, legally sound, and not hindered by lack of expertise or cooperation.

20. After reading the pleadings and the grounds set forth by the present petitioner to lay challenge to the impugned order dated 15.05.2025 (Annexure P-1), this Court is astonished that without there being any substance or cogent evidence/material, the petitioner has raised serious allegations/imputations against the concerned Magistrate (named above), by using the words and phraseography, such as ***“pre-set mind”, “actuated with malice”, “framing of false records”, “manipulating judicial records”, “levelling of false, preposterous and absurd allegations”, “prejudicial conduct”, “systematic and planned targeting of the petitioner”***.

As per own showing, there are about 38 cases of the petitioner, out of which 09 have been dealt with by Mr. Vivek Singh, Judicial Magistrate Ist Class, Jind. Further, as per the list of 09 cases,



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attached with the additional affidavit of the petitioner, dated 06.10.2025, 05 cases were still pending in the said Court.

Merely because the learned Magistrate has dismissed one complaint, under Section 138 of the NI Act, filed by the petitioner against Sandeep Mehra; dismissed his one civil suit; sought reply of the petitioner by issuing a show cause notice to him regarding sending an e-mail dated 21.11.2024, thereby seeking exemption from appearing before the Court; and passing the impugned order dated 15.05.2025, does not prove or substantiate the aforementioned allegations/imputations, which are certainly very serious in nature. Moreso, this Court also feels that where ever any order or direction passed by any Court nay the Court of Mr. Vivek Singh, Judicial Magistrate Ist Class, Jind, which has an adverse impact or not of the liking of the petitioner, he feel agitated and avail his remedy, may be as per law.

21. This Court finds no substance in the averments and truth in the allegations made by the petitioner against the Magistrate. Learned Magistrate after relying upon the judgement of the Co-ordinate Bench of this Court, in the case of Satish Kumar Saini (supra), has rightly exercised his discretion. There is no ambiguity in the impugned order dated 15.05.2025 (Annexure P-1), warranting any interference by this Court.

Accordingly, the impugned order dated 15.05.2025 (Annexure P-1) is upheld and the **instant main petition as well as miscellaneous application(s) are dismissed**, being bereft of any merit.



**RE: WHETHER CONDUCT OF THE PETITIONER WARRANTS
INITIATION OF PROCEEDINGS AGAINST HIM FOR
CRIMINAL CONTEMPT?**

22. Before parting with this judgement, there is another facet of matter which requires deeper consideration.

23. This Court found it profitable to quote former Chief Justice of India, Hon'ble Mr. Justice M. Hidayatullah:

“The good faith of judges is the firm bed-rock on which any system of administration securely rests and an attempt to shake the people's confidence in the courts is to strike at the very root of our system of democracy.”

[see: E.M. Sankaran Namboodripad v. T. Narayanan Nambiar, (1970) 2 SCC 325]

It is also well propounded principle of law that ***“when the authority of the judiciary is questioned or undermined, it becomes the duty of judges to act, not for their personal protection, but to uphold the dignity and credibility of the institution, for upon that dignity rests the confidence of the public in the administration of justice”***.

Thus, it is paramount and pious duty of this Court to preserve the magnanimity of the Courts and no one can be permitted to desecrate their sanctity.

24. In the case of Vishram Singh Raghubanshi v. State of U.P., Law Finder Doc Id # 262525 : (2011) 7 SCC 776, Hon'ble the Apex Court has observed that -

“15.The superior courts have a duty to protect the reputation of judicial officers of subordinate courts, taking note of the growing tendency of maligning the reputation of judicial officers by unscrupulous practising advocates who either fail to secure desired orders or do not succeed in



browbeating for achieving ulterior purpose. Such an issue touches upon the independence of not only the judicial officers but brings the question of protecting the reputation of the Institution as a whole.

16. The dangerous trend of making false allegations against judicial officers and humiliating them requires to be curbed with heavy hands, otherwise the judicial system itself would collapse. The Bench and the Bar have to avoid unwarranted situations on trivial issues that hamper the cause of justice and are in the interest of one. “Liberty of free expression is not to be confounded or confused with license to make unfounded allegations against any institution, much less the Judiciary”. A lawyer cannot be a mere mouthpiece of his client and cannot associate himself with his client maligning the reputation of judicial officers merely because his client failed to secure the desired order from the said officer. A deliberate attempt to scandalise the court which would shake the confidence of the litigating public in the system, would cause a very serious damage to the Institution of judiciary. An Advocate in a profession should be diligent and his conduct should also be diligent and conform to the requirements of the law by which an Advocate plays a vital role in the preservation of society and justice system. Any violation of the principles of professional ethics by an Advocate is unfortunate and unacceptable.

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28.A Judge has to discharge his duty and passes order in the manner as he thinks fit to the best of his capability under the facts and circumstances of the case before him. No litigant, far less an advocate, has any right to take the law in his own hands. The contemnor abused the Judge in most filthy words unworthy of mouthing by an ordinary person and that is true without any justification for him ascending the dais during the course of the proceedings and then abusing the judicial officer in the words "Maaderchod, Bahanchod, High Court Ko Contempt Refer Kar". The courts certainly cannot be intimidated to seek the favourable orders. The appellant intimidated the presiding officer of the court hurling filthiest abuses and lowered the authority of the Court, which is tantamount to interfere with the due course of judicial proceedings. The charge which stood proved against the appellant could not be taken lightly and in such a fact-situation the apology tendered by him, being not bonafide, was not acceptable.”



25. In the case of M.B. Sanghi v. High Court of Punjab and Haryana and others, 1991 (3) RCR (Criminal) 310 : (1991) 3 SCC 600, Hon'ble the Apex Court observed as under:

“The foundation of our system which is based on the independence and impartiality of those who man it will be shaken if disparaging and derogatory remarks are made against the presiding judicial officer with impunity....It is high time that we realise that much cherished judicial independence has to be protected not only from the executive or the legislature but also from those who are an integral part of the system. An independent judiciary is of vital importance to any free society.”

26. In the case of Dr. D.C. Saxena v. Hon'ble the Chief Justice of India, (1996) 5 SCC 216, in the opening para of the judgement, Hon'ble Apex Court observed thus:-

“ In a clash of competing interest in constitutional contours, this case calls to strike a balance between the freedom of speech and expression, a salutary right in a liberal democratic society and paramount countervailing duty to maintain public confidence in the administration of justice. ”

Dr. D.C. Saxena, who was a Professor, had initiated public interest litigation under Article 32 of the Constitution, with a prayer to direct Sri P. V. Narsinma Rao, the President of Indian National Congress and the former Prime Minister of the country to pay a sum of Rs. 8.29 lakhs and odd said to be due to the Union of India for use of India. Air Force aircraft or helicopters from October 1, 1993 to November 30, 1993. After perusing the record and hearing the petitioner-in-person, the Hon'ble Apex Court summarily “dismissed” the writ petition.

Thereafter, Dr. D.C. Saxena filed yet another writ petition, this time against the then Hon'ble Chief Justice of India. The Registry raised objections for its maintainability but, at the insistence of the



petitioner, it was posted, with office objections, for hearing, as unregistered Writ Petition (C) No. D-17209/95, before a three Judge Bench of Hon'ble Apex Court. Dr. D.C. Saxena, again appearing in person, persisted to justify the averments made by him in the writ petition, against the then Hon'ble Chief Justice of India. In spite of the Court having pointed out that the averments were scandalous, the petitioner reiterated that he "*stood by the averments made therein*" and sought for the declaration -

- (1) that the then Hon'ble CJI (name omitted herein) was unfit to hold the office as Chief Justice of India;
- (2) that he should be stripped off his citizenship;
- (3) to direct registration of an FIR against him under various provisions of Indian Penal Code for committing forgery and fraud and under the Prevention of Corruption Act;
- (4) to direct prosecution of him under the Prevention of Corruption Act;
- (5) to direct him to defray from his personal pocket the expenses incurred by the petitioner in filing the two writ petitions i.e. W.P. No. 432/95 and the second writ petition;
- (6) to direct the then Hon'ble CJI to reimburse from his pocket to the public exchequer the entire loss caused to the State, as a consequence of non-payment of the



dues by Sri P. V. Narasimha Rao with interest at 18% per annum; and

(7) other consequential directions.

After hearing Dr. D.C. Saxena, Hon'ble Apex Court dismissed his second writ petition as well, and observed thus:-

“The several averments in the writ petition are scandalous and it is surprising that the petitioner, who is, said to be Professor in a University, has chosen to draft and file such a writ petition. His understanding of the meaning of Article 32 of the Constitution, is to say the least, preposterous. The allegations made are reckless and disclose irresponsibility on the part of the petitioner. This writ petition is wholly misconceived and is an abuse of the process of the Court. The writ petition has no merit.

The writ petition is, therefore, dismissed.

In view of the attitude of the petitioner even at the hearing, when he persisted in this stand and, on our asking him, reiterated that he stood by the scandalous averments made therein, we consider it our duty to issue to the petitioner a notice to show cause why proceedings to punish him for contempt of this Court should not be initiated against him. The Registry to take the necessary steps for registering the matters as a contempt petition. The petitioner who is present-in-person is given notice of the contempt petition. He is required to file his reply within four weeks to show cause why proceedings for contempt should not be initiated against him. We request the learned Solicitor General to assist the Court in this contempt matter.

List the matter after notice of the date fixed by Registry is given to Dr. D.C. Saxena and the Solicitor General.”

In the contempt proceedings initiated against Dr. D.C. Saxena, after exhaustively noticing the factual matrix and arguments etc., their Lordships' of the Hon'ble Apex Court, passed a detailed and



landmark judgement in **Dr. D.C. Saxena's case (supra)**, and the relevant excerpt of the same are reproduced as under:-

“ 28. The question, therefore, arises: whether the afore-enumerated imputations constitute contempt of this Court? Though the petitioner contended that the provisions of the Act are ultra vires Article 19(1) (a) of the Constitution, it is not necessary for the purpose of this case to dwell upon that contention. This Court has taken suo motu cognizance of contempt of this Court under Article 129 of the Constitution of India which reiterates as a Court of record, its power to punish for contempt of itself. As pointed out in the proceedings of this Court dated January 13, 1996, in spite of the fact that this Court brought to his attention the gravity of the imputations, the petitioner insisted and reiterated that he stood by the scandalous averments made therein. This court being duty bound, was, therefore, constrained to issue notice of contempt. The question, therefore, is whether the aforesaid imputations are scurrilous attack intended to scandalise the Court and do they not impede due administration of Justice ? Words are the skin of the language. Language in which the words are couched is media to convey the thoughts of the author. Its effect would be discernible from the language couched proprio vigore. The petitioner, a professor of English language in clear and unequivocal language emphasised and reaffirmed that the averments were "truthfully and carefully" worded. The question is to what extent the petitioner is entitled to the freedom of those expressions guaranteed under Article 19(1)(a) of the Constitution? If they are found scandalous, whether he would get absolved by operation of Article 19(1)(a) ? As this Court has taken suo motu action under Article 129 of the Constitution and the word 'contempt' has not been defined by making rules, it would be enough to fall back upon the definition of "criminal contempt" defined under Section 2(c) of the Act which reads thus:

“ ‘criminal contempt’ means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter of 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 proceedings; or



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

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33. *A citizen is entitled to bring to the notice of the public at large the infirmities from which any institution including judiciary suffer from. Indeed, the right to offer healthy and constructive criticism which is fair in spirit must be left unimpaired in the interest of the institution itself. Critics are instruments of reforms but not those actuated by malice but those who are inspired by public weal. Bonafide criticism of any system or institution including judiciary is aimed at inducing the administration of the system or institution to look inward and improve its public image. Courts, the instrumentalities of the State are subject to the Constitution and the laws and are not above criticism. Healthy and constructive criticism are tools to augment its forensic tools for improving its functions. A harmonious blend and balanced existence of free speech and fearless justice counsel that law ought to be astute to criticism. Constructive public criticism even if it slightly oversteps its limits thus has fruitful play in preserving democratic health of public institutions. Section 5 of the Act accords protection to such fair criticism and saves from contempt of court. The best way to sustain the dignity and respect for the office of judge is to deserve respect from the public at large by fearlessness and objectivity of the approach to the issues arising for decision, quality of the judgment, restraint, dignity and decorum a judge observes in judicial conduct off and on the bench and rectitude.*

34. *.....Any criticism about 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 administration of justice to ridicule must be prevented. The contempt of court proceedings arise out of that attempt. Judgments can be criticised. Motives to the Judges need not be attributed. It brings the administration of justice into 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 welcome so long as such criticism does not impair or hamper the administration of justice. This is how the courts should exercise the powers vested in them and Judges to punish a person for an alleged contempt by taking notice of*



the contempt suo motu or at the behest of the litigant or a lawyer.

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37. Scandalising the Judges or courts tends to bring the authority and administration of law into disrespect and disregard and tantamounts to contempt. All acts which bring the court into disrepute or disrespect or which offend its dignity or its majesty or challenge its authority, constitute contempt committee in respect of single Judge or single court or in certain circumstances committed in respect of the whole of the judiciary or judicial system.

38. The contempt of court evolved in common law jurisprudence was codified in the form of the Act. Section 2(c) defines "criminal contempt" which has been extracted earlier. In A.M. Bhattacharjee's case (1995 AIR SCW 3768) (supra) relied on by the petitioner himself, a Bench of two Judges considered the said definition and held that scandalising the court would mean any act done or writing published which is calculated to bring the court or Judges into contempt or to lower its authority or to interfere with the due course of justice or the legal process of the court. In para 30, it was stated that scandalising the court is a convenient way of describing a publication which, although it does not relate to any specific case either past or pending or any specific Judge, is a scurrilous attack on the judiciary as a whole, which is calculated to undermine the authority of the courts and public confidence in the administration of justice. Contempt of court is to keep the blaze of glory around the judiciary and to deter people from attempting to render justice contemptible in the eyes of the public. A libel upon a court is a reflection upon the sovereign people themselves. The contemnor conveys to the people that the administration of justice is weak or in corrupt hands. The fountain of justice is tainted. Secondly, the judgments that stream out of that foul fountain is impure and contaminated. In Halsbury's Laws of England (4th Edn.) Vol. 9 para 27 at page 21 on the topic "Scandalising the Court" it is stated that scurrilous abuse of a Judge or court, or attack on the personal character of a Judge, are punishable contempts. The punishment is inflicted, not for the purpose of protecting either the court as a whole or the individual Judges of the court from a repetition of the attack, but of protecting the public, and especially those who either voluntarily or by compulsion are subject to the jurisdiction of the court, from the mischief they will incur if the authority of the tribunal is undermined or impaired. In consequence, the court has



regarded with particular seriousness allegations of partiality or bias on the part of a Judge or a court. On the other hand, criticism of a Judge's conduct or of the conduct of a court, even if strongly worded, is not a contempt provided that the criticism is fair, temperate and made in good faith, and is not directed to the personal character of a Judge or to the impartiality of a Judge or court.

39. *Thereafter, it is of necessity to regulate the judicial process free from fouling the fountain of justice to ward off the people from undermining the confidence of the public in the purity of fountain of justice and due administration. Justice thereby remains pure, untainted and unimpeded. The punishment for contempt, therefore, is not for the purpose of protecting or vindicating either the dignity of the court as a whole or an individual Judge of the court from attack on his personal reputation but it was intended to protect the public who are subject to the jurisdiction of the court and to prevent undue interference with the administration of justice. If the authority of the court remains undermined or impeded the fountain of justice gets sullied creating distrust and disbelief in the mind of the litigant public or the right thinking public at large for the benefit of the people. Independence of the judiciary for due course of administration of justice must be protected and remain unimpaired. Scandalising the court, therefore is a convenient expression of scurrilous attack on the majesty of justice calculated to undermine its authority and public confidence in the administration of justice. The malicious or slanderous publication inculcates in the mind of the people a general disaffection and dissatisfaction on the judicial determination and indisposes in 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. Action for contempt is not for the protection of the Judge as private individual but because they are the channels by which justice is administered to the people without fear or favour. As per the Third Schedule to the Constitution oath or affirmation is taken by the Judge that he will duly and faithfully perform the duties of the office to the best of his ability, knowledge and judgment without fear or favour, affection or ill-will and will so uphold the Constitution and the laws. In accordance therewith Judges must always remain impartial and should be known by all people to be impartial. Should they be imputed with improper motives, bias, corruption or partiality, people will lose faith in them. The Judge requires a degree of detachment and objectivity which cannot be obtained, if Judges constantly are required to look over their shoulders for fear of harassment and abuse and*



irresponsible demands for prosecution or resignation. The whole administration of justice would suffer due to its rippling effect. It is for this reason that scandalising the Judges was considered by the Parliament to be contempt of a court punishable with imprisonment or fine.

40. *Scandalising the court, therefore, would mean hostile criticism of Judges as Judges or judiciary. Any personal attack upon a Judge in connection with 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 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 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 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 representation or otherwise of any matter or the doing of any other act whatsoever which scandalises or tends to scandalise or lower 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 or 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 the contempt or tends to lower the authority of the court would also be contempt of the court.*



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41.As stated earlier, imputation of corrupt or improper motives in judicial conduct would impair the efficacy of judicial dispensation and due protection of the liberties of the citizen or due administration of justice. This paramount public interest is protected by the definition in Section 2(c) of the Act. It is therefore, not necessary to establish actual intention on the part of the contemnor to interfere with the administration of justice. Making reckless allegations or vilification of the conduct of the court or the Judge would be contempt.

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46.If the forum of the judicial process is allowed to mount scurrilous attack on a Judge, the question arises whether the forum of the judicial process of vilification of the Judges or imputations to the Judges in the pleadings presented to the court would give liberty of freedom of expression to an advocate or a litigant. In the light of the above discussion, we have little doubt to conclude that when an advocate or a party appearing before the court requires to conduct himself in a manner befitting to the dignity and decorum of the court, he cannot have a free licence to the indulge in writing in the pleadings the scurrilous accusations or scandalisation against the Judge or the court. If a reputation and dignity of the Judge, who decides the case are allowed to be prescribed in the pleadings, the respect for the court would quickly disappear and independence of the judiciary would be a thing of the past.

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27. In the recent past, when a **Transfer Petition (Criminal) No. 613 of 2025**, titled as “**N. Peeddi Raju v. Anumula Revanth Reddy**”, came up for consideration, it was noticed by their Lordship’s of the



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Hon'ble Apex Court that in the said petition, '***scurrilous and scandalous allegations had been made against a sitting Judge of the High Court of Telangana***'. Though the transfer petition was dismissed, vide order dated 29.07.2025, yet the Hon'ble Apex Court felt that the petitioner and the lawyers, connected with the transfer petition, cannot be permitted to go scot-free. Accordingly, they were issued show cause notice(s) as to why an action for committing Contempt of the Court should not be initiated against them.

The said *suo moto* contempt proceedings were then considered in case titled as "**In Re: N. Peddi Raju and others**" [**Suo Moto Contempt Petition (Civil) No. 3 of 2025, decided on 10.11.2025, and reported as 2025 SCC OnLine SC 2457**].

During course of proceedings of the said case, the alleged contemnors tendered apology before the Hon'ble Apex Court. However, considering that since the scandalous allegations were made against the learned Judge of the High Court, the case before the High Court was ordered to be reopened for the limited purpose of tendering an unconditional apology by the alleged contemnors before the learned Judge of the High Court, who had passed the final order in the petition, i.e. Criminal Petition No. 4162 of 2020. Thereupon, while accepting the apology tendered by the three alleged Contemnors, the learned Single Judge of the High Court of Telangana, in her order dated 22.08.2025, observed as under:

"11. A trend of vilifying Judges has emerged in recent times. Disgruntled lawyers and litigants often demand release, recusal and transfer of matters on the pretext of oblique motives attributed to the Judge. Such reckless



allegations derail the course of justice by creating an environment of intimidation which is not conducive to the effective administration of justice. Personal attacks on Judges breach the safety-net of impartial decision-making and is antithetical to independent Judges. Targetting of Judges makes for Skeptical and unsure Judges.

12. The attackers also forget that while - casting and circulating - aspersions in print or on social media can be done by the flick of a key, the concerned Judge does not have a platform to present his/her side of the story. One-sided mud-slinging, more often than not, swings right back to besmirch the attacker. The 'Majesty' of a Court is an inalienable part of the respect associated with upholding of the Rule of Law. Attacks on Judges irrevocably dent the dignity of Courts as impartial arbiters of justice and affects public trust and confidence in the judiciary. Advocates, as equal participants in the quest for justice, have a greater responsibility in ensuring that the Court is not brought to disrepute.

13. As an end-note, Judgeship is never about the power of the Chair but is always about the responsibility of disseminating justice with conscience, commitment and compassion. The common man should repose full faith and confidence on the Courts. Fortunately, notwithstanding the occasional stresses and strains, Courts continue to be the proud flag-bearers of justice."

(Emphasis added)

Hon'ble Apex Court, in the case of In Re: N. Peddi Raju and others (supra) also observed that in the recent past there is a growing trend of making scurrilous and scandalous allegations against the Judge(s), in the pleadings, when they do not get favourable orders, and such a practice has to be strongly deprecated. In regard to the role of the lawyers, their Lordship's referred to the Constitution Bench judgement in the case of M.Y. Shareef v. Hon'ble Judges of the High Court of Nagpur, (1954) 2 SWCC 444; judgement in the case of T.V. Choudhary, A Member of the Indian Administrative Service (Under Suspension), (1987) 3 SCC 258; and also quoted: Lord Reld in Rondel



v. Worsley [[1967) 3 All ER 993, 998], & Lord Denning, M.R. in Rondel v. W [[1966] 3 All ER 657, 665].

28. Reverting to the present petition, it is noticed that the choice of words and the language used by the petitioner in the main petition as well as in the subsequent additional affidavit dated 06.10.2025, are defamatory. The imputations levelled by the petitioner against the learned Magistrate (named above) seem to be intended at scandalizing the Court in such a way so as to create distrust in the people's mind and impair the confidence of the people in the Court and the Judge. This is not mere writing of scandalous, scurrilous and contemptuous expressions in this petition which constitutes criminal contempt but the act, conduct and endeavour of the petitioner to create a general dissatisfaction in the minds of people about the judicial determination also, *prima facie*, seems to obstruct the administration of justice. The scurrilous attack on the integrity and honesty of learned Magistrate is calculated to cause irreparable harm to the reputation and character of the Judicial Officer who is seized with the case of the petitioner on judicial side. The attempt by a person to target a Judge is one of the ways to hinder or obstruct the due administration of justice in the Courts. It seems to this Court that by filing the instant petition, the petitioner intended to cause embarrassment to the learned Magistrate and to deter him from discharging his judicial functions. The expressions used by the petitioner in the main petition as well as in the additional affidavit, which have already been noticed in the earlier part of this judgement, are disparaging in character and derogatory to the dignity of the learned Magistrate. The use of such expressions,



prima facie, tends to scandalise the authority of the Court. Further, the personal attack on the impartiality and fairness of the learned Magistrate while discharging judicial functions are a direct attack on his character, causes prejudices and intends to interfere with the judicial processes.

29. At this juncture, it is also apposite to mention that it is not for the first time that such type of petition has been filed by the petitioner. This Court has come across the order dated 29.01.2025, passed by the Co-ordinate Bench of this Court in CRM-M-4077-2025, titled as “Rajesh Jain v. Sandeep Mehra and another”.

The said petition was filed by the petitioner herein for setting aside the order dated 04.12.2019, passed by the learned Judicial Magistrate Ist Class, Jind, in case No. NACT-436-2018, Police Station Civil Lines, and further stern directions to learned District Judge Jind qua non-disposal of application dated 24.10.2024, seeking recall of impugned nullity order, inspite of extreme urgency compelling into extended litigation.

In the said case, the petitioner appeared in person and filed the petition by impleading the learned District Judge, Jind, as respondent No. 2. At the time of listing of the said petition, a note was put up by the Registry, bring to the notice of the Court that an objection was raised by the registry as to why learned District Judge, Jind, was arrayed as respondent No. 2. However, the petitioner did not delete the same and requested to put up his case as it is before the Bench.

Thereupon, the Co-ordinate Bench of this Court, in par Nos. 3 to 6 of its order dated 29.01.2025, made the following observations:-



“3. *The petitioner though tried to made an attempt to justify impleading the District Judge, Jind as respondent No.2, however after arguing for some time, he apologized for his conduct. He prays for withdrawal of the present petition with liberty to file a fresh one by not impleading District Judge, Jind as respondent in the petition.*

4. *On hearing, the Court finds that the petitioner is appearing in person, however even if the petitioner is appearing in person, he cannot be allowed to desecrate the sanctity of the Court. As he has apologized, this Court keeping in view the magnanimity of the Court allows him to withdraw this petition with liberty to file a fresh one after rectifying the mistake.*

5. *The Court cautions the petitioner to maintain dignity of the Court in future.*

6. *Accordingly, the present petition is allowed to be withdrawn in above mentioned terms.”*

30. Despite the caution having already been given by the Coordinate Bench of this Court, in its order dated 29.01.2025 (supra), the petitioner did not stop and filed the instant petition on 04.07.2025, imputing scandalous allegations against the learned Magistrate, which have already been discarded by this Court in the earlier part of this judgement, because such allegations have been made without evidence or due diligence and the language used is derogatory and is scandalous.

31. As a sequel of above discussion, this Court is of the considered opinion that such conduct of the petitioner not only undermines the dignity of the court but also constitutes criminal contempt under Section 2(c) of the Contempt of Courts Act, 1971.

32. Accordingly, the registry is directed to place the present petition alongwith today's judgement before Hon'ble the Chief Justice for listing the matter before an appropriate Bench for the limited purpose



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and consideration whether further proceedings under Section 2(c) of the Contempt of Courts Act, 1971, against the petitioner be initiated or not.

33. This Court also places on record its gratitude to Mr. Vivek Salathia, learned *Amicus Curiae*, who graciously assisted in the present proceedings, in bringing to fore the factual and legal position of law.

**(SANJAY VASHISTH)
JUDGE**

February 11, 2026
Pkapoor