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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5781/2026 & CM APPL. 28470/2026**

MOHIT SAXENA

.....Petitioner

Through: Mr. Sunil Dalai Senior Advocate with
Mr. Chandra Shekar, Mr. Ankit Rana,
Ms. Shipra Bali and Mr. Bharat
Khurana, Mr. Abhishek Sharma, Mr.
Pradeep Chaurasia, Mr. Parminder
Singh Sandhu, Advocates and
petitioner Mohit Saxena in person
with his wife and maternal uncle Mr.
Mukesh Kumar Saxena.

versus

THE COMMISSIONER OF CUSTOMS

.....Respondent

Through: Ms. Monika Verma, for Mr. Avijit
Dikshit, Standing Counsel

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **26.05.2026**

1. The writ petition was taken out by the petitioner for issuance of appropriate writ order or direction for releasing gold articles comprising of *One Gold Kada weighing 65 grams and one metal ring weighing 35 grams.*
2. The same was detained on 27th February, 2024, while the petitioner was travelling from abroad to India.
3. During the first hearing on 28th April, 2026, it was brought to our notice that the petition itself is misconceived and is preferred with an intention to undermine the authority of the Court which led to this Court passing an order on 28th April, 2026.



4. The basis of order dated 28th April, 2026 is that the aforesaid articles were already directed to be released on payment of redemption, fine and penalty by virtue of an order of this Court dated 29th May, 2025 delivered in W.P.(C) 6232/2025, titled as '*Mohit Saxena Vs. Commissioner of Customs*'.
5. On the said date, since the petitioner was not present in the Court, this Court with the assistance of the counsel for the petitioner and respondent has proceeded to call an explanation from the petitioner in the matter.
6. Subsequent thereto, on 30th April, 2026, when the matter was again listed before this Court, the hearing was deferred at the request of the petitioner.
7. The matter was thereafter heard on 06th May, 2026, wherein this Court has noticed that the petitioner has conducted himself in complete disregard and disrespect to the earlier orders referred above passed in W.P.(C) 6232/2025 on 29th May, 2025, but also has given a false declaration in the present petition, that too, on oath.
8. Such conduct of the petitioner, can be termed as a criminal contempt within the meaning of *Clause (c)* of Section 2 of the Contempt of Courts Act.
9. In response to the contempt notice, an affidavit is placed on record by the petitioner and the proceedings are attended by the petitioner-in-person along with his better half and also his maternal uncle *Mr. Mukesh Kumar Saxena*, who is a practising lawyer.
10. This Court was inclined to frame the charge against the petitioner under the Contempt of Courts Act for committing the criminal contempt as not only the petitioner has tried to practice fraud on the court by seeking the release of the gold articles which were already released under this Court's



order dated 29th May, 2025 as referred above but also for making a false declaration.

11. With an intention to give an opportunity to the petitioner before proceedings against him under the Contempt of Courts Act, an affidavit was permitted to be placed on record. In the said affidavit the petitioner has explained the following causes:-

- a) That he was facing financial hardship as he has suffered losses during the business and to overcome the same, he has disposed of the gold articles which were released in his favour in compliance viz. the order dated 29th May, 2025, passed in W.P.(C) 6232/2025 and;
- b) That he has suppressed the fact about the release of gold articles from his better half who was continuously nagging him for not bringing back the gold articles.

12. It is the aforesaid fact, which according to him has prompted him to prefer the petition so as to escape from the nagging of his wife.

13. On the last date of hearing, we have heard the matter, the learned senior counsel for the petitioner who is assisted by the maternal uncle of the petitioner have assured that the petitioner is not resisting to the orders and the approach of this Court in the matter but have claimed that his intention was *bona fide* and not for drawing pecuniary or other benefits from the respondent/authority.

14. The maternal uncle of the petitioner, who is a lawyer by profession through learned senior counsel so also the petitioner, has given an undertaking and assurance to this Court that in future under whatsoever circumstances, the petitioner shall not indulge into any such act like the one which is reflected in the petition and narrated hereinabove.



15. So as to express his remorse, he has tendered unconditional apology and in response to the Court's query has volunteered to pay a cost of Rs.3,00,000/- (Rupees Three Lakhs) by drawing a demand draft in favour of the Registrar General of the Delhi High Court.

16. The counsel for the respondent states that the conduct narrated and noted by this Court in the order and in the earlier orders sufficiently speaks of his intention to commit the criminal contempt of court and he should be dealt with an iron hand in accordance with the maximum punishment to be imposed under Section 12 of the Contempt of Courts Act.

17. Having considered the aforesaid, we are of the view:-

- i. That since through the learned senior counsel, the maternal uncle who is a lawyer and also the petitioner who is physically present in the court have given an undertaking to this Court that he shall mend his ways and will never conduct in the manner and passion in which he has conducted in the court proceedings, we are willing to accept such statement as an undertaking to this Court.
- ii. We further accept the unconditional apology tendered by the petitioner, however, the same is subject to the cost to be paid by the petitioner and in this case, we accept the statement that the petitioner is willing to pay the cost of Rs.3,00,000/- (Rupees three lakhs).
- iii. The demand draft drawn in the favour of the Registrar General of the Delhi High Court for the amount of Rs.3,00,000/- (Rupees three lakhs), in any case, be deposited by *Saturday i.e., 30th May, 2026*.

18. We censure the conduct of the petitioner in filing such type of petition, however, we accept his unconditional apology having regard to the assurance and the undertaking taken on record as referred to hereinabove.



19. With the above observations, we discharge the contempt notice against the petitioner.

20. As far as apportionment of the aforesaid cost is concerned, Registry is directed to disburse the said costs in the following manner:-

- i. Rs.1,00,000/- be deposited in the account of *D.H.C.B.A. Costs Account* bearing Saving Account No. 15530110179338 (IFSC- UCBA0001553), Bank Name- UCO Bank, Branch- Delhi High Court.
- ii. Rs.1,00,000/- be deposited with the *NDBA Members Welfare Fund*, Account bearing No. 18580110013847 (IFSC Code: UCBA0001858) maintained with the UCO Bank, Patiala House Court Complex, New Delhi.
- iii. Rs.1,00,000/- be deposited with the *CDCBA Members Welfare Fund*, Account bearing No. 33640110020388 (IFSC Code: UCBA0003364) maintained with the UCO Bank, Rouse Avenue Court Complex, New Delhi.

21. The learned Senior Counsel for the petitioner prays that he be unconditionally permitted to withdraw the present petition.

22. As prayed, the present writ petition stands dismissed as withdrawn.

23. Pending applications, if any, also stand disposed of.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

MAY 26, 2026/sky/ok