



2026 INSC 390

REPORTABLE
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 5673-5674 OF 2025

NILESH C. OJHA **....APPELLANT(S)**

VERSUS

HIGH COURT OF JUDICATURE
AT BOMBAY THROUGH
SECRETARY & ORS. **....RESPONDENT(S)**

J U D G M E N T

Mehta, J.

1. Heard.
2. The appellant, Nilesh C Ojha¹, has preferred the instant appeals under Section 19 of the Contempt of Courts Act, 1971, for assailing the order dated 17th September, 2025 passed by a Full Bench of the High Court of Judicature at Bombay² in Interim Application No.3297 of 2025, arising out of Criminal Suo Motu Contempt Petition No.1 of 2025. By the impugned order, the High Court rejected the prayer³

Signature Not Verified
Digitally signed by
NEETU KHANWARIA
Date: 2026.04.20
17:01:59 IST
Reason:

¹ Hereinafter, referred to as “appellant-contemnor”.

² Hereinafter, referred to as “High Court”.

³ Interim Application No. 3297 of 2025.

made by the appellant-contemnor seeking impleadment of a sitting Judge⁴ of the High Court as a party-respondent. The impleadment was sought in connection with Interim Application No.2005 of 2025, filed by the appellant-contemnor for discharge from the contempt proceedings initiated against him pursuant to a show cause notice dated 9th April, 2025. While disposing of the said application, the High Court further directed the Registry to register a separate *suo motu* criminal contempt case⁵ against the appellant-contemnor.

3. The appellant-contemnor, has also assailed the order dated 16th October, 2025 passed by the High Court in Interim Application No.3843 of 2025 in Criminal *Suo Motu* Contempt Petition Nos.1 of 2025 and 4 of 2025, whereby the High Court dismissed the said application seeking recall of the order dated 17th September, 2025.

BRIEF FACTS

4. Succinctly stated, the facts relevant and essential for disposal of these appeals are noted hereinbelow.

⁴ Hereinafter, referred to as "Justice X".

⁵ Criminal *Suo Motu* Contempt Petition No. 4 of 2025.

5. The appellant-contemnor had instituted Criminal Writ Petition No.1612 of 2025 on behalf of his client, Mr. Satish Salian, *inter alia* seeking a direction for investigation by the Central Bureau of Investigation into the death of his daughter, which was alleged to have occurred under suspicious circumstances.

6. Criminal Writ Petition No.1612 of 2025 came to be listed for admission on 2nd April, 2025 before a Division Bench of the High Court, of which “Justice X” was one of the Judges constituting the Bench. On the said date, the appellant-contemnor mentioned the matter before the said bench and apprised the Court that the subject-matter jurisdiction to entertain the matter vested in another Bench of the High Court. Upon such submission, the Division Bench directed the Registry to take appropriate steps in accordance with law and the roster assignment.

7. However, on the evening of 1st April, 2025, prior to mentioning of the matter before the Division Bench, the appellant-contemnor addressed a press conference wherein he made certain insinuations, casting aspersions on the Honourable Judge. In the course of the said press interaction, he alleged that

“Justice X” was disqualified from hearing the case on the ground that her sister was an accused in the FIR lodged at the instance of his client and was also stated to be associated with the Nationalist Congress Party (Sharadchandra Pawar).

8. Upon becoming aware of the aforesaid press conference, “Justice X” addressed a letter dated 4th April, 2025 to the then Chief Justice of the High Court, placing on record the statements made therein and bringing the same to his notice, and stated that the aspersions cast by the appellant-contemnor had not only tarnished her personal reputation but also impugned and maligned her reputation in the judicial fraternity.

9. The Chief Justice of the High Court, upon receipt of the letter forwarded by “Justice X”, took *suo motu* cognizance which in the opinion of the Honourable Chief Justice tantamounted to contempt. Consequently, in exercise of the administrative powers vested in him, the Chief Justice constituted a Bench of five Judges to consider and adjudicate the matter in accordance with law. The proceedings were accordingly drawn up and registered as Criminal *Suo Motu* Contempt Petition No.1 of 2025.

10. The matter was listed on 8th April, 2025, when the High Court took note of the allegations and imputations levelled by the appellant-contemnor against “Justice X”. The Court observed that the statements made during the press conference demanding the recusal of a sitting Judge, *prima facie*, had the tendency to scandalize the Court, lower its authority, and interfere with the due course of judicial proceedings. Consequently, the High Court directed the Registry to issue a notice to the appellant-contemnor under Rule 9(1) read with Rule 8 of the Contempt of Courts (Bombay High Court) Rules, 1994. Accordingly, a show cause notice came to be issued by the Registry on 9th April, 2025 and the same was duly served upon the appellant-contemnor on 11th April, 2025.

11. On 29th April, 2025, the High Court, on the oral prayer of the appellant-contemnor, granted him time to file an appropriate application seeking discharge in the pending contempt proceedings. In pursuance of the said liberty, the appellant-contemnor instituted Interim Application No.2005 of 2025, *inter alia*, seeking discharge from the contempt notice issued against him.

12. In the *interregnum*, the appellant-contemnor filed Interim Application No.3209 of 2025 placing on record his reply-cum-defence to the show cause notice, *inter alia* contending that he had been falsely implicated at the instance of “Justice X”. The appellant-contemnor also preferred Interim Application No.3297 of 2025 seeking impleadment of “Justice X” as a party respondent to the proceedings and for issuance of directions to call for the response thereto.

13. The High Court *vide* impugned order dated 17th September, 2025, dismissed the Interim Application No.3297 of 2025, observing that the person who merely furnishes information to the Chief Justice cannot be construed as a complainant nor can such a person be regarded as a necessary or proper party in the contempt proceedings. While dismissing the Interim Application No.3297 of 2025, the High Court *suo motu* proceeded to take additional cognizance of the disparaging and scandalous imputations made by the appellant-contemnor against “Justice X” within that very application. The Registry was accordingly directed to register a separate criminal contempt proceeding against the appellant-

contemnor, which consequently came to be registered as Criminal Suo Motu Contempt Petition No.4 of 2025.

14. Furthermore, the High Court held the appellant-contemnor and the fifteen advocates representing/associating with him to be equally liable for contempt and professional misconduct on account of their collaboration in the drafting and filing of the said application, characterizing the same as an “adventure”. While so holding, the High Court issued a strong advisory to the said advocates, asking them to remain mindful of their professional obligations in future rather than directing any immediate punitive action or interdiction.

15. Aggrieved by the aforesaid findings, the appellant-contemnor filed Interim Application No.3843 of 2025 seeking multiple reliefs, including the recall of the order dated 17th September, 2025, which the appellant-contemnor contended was *per incuriam*, impliedly overruled, and void. The appellant-contemnor had also sought disqualification of the five-Judge Bench on the ground of alleged conflict of interest and also pleaded that the learned

Chief Justice ought to recuse from hearing the criminal contempt proceedings.

16. The High Court, *vide* the impugned order dated 16th October, 2025, dismissed Interim Application No.3843 of 2025, holding that if the appellant-contemnor claimed that the precedents relied upon had been overruled, the appropriate remedy lay in assailing the judgment before a higher forum. The Court further held that the prayer seeking recusal of the Chief Justice and disqualification of the five Judges constituting the larger bench, on the ground of an alleged conflict of interest, was wholly frivolous, misconceived and amounted to a sheer abuse of the process of the Court. The High Court also cautioned the appellant-contemnor that, in the event his conduct is found to be inappropriate, it would be constrained to direct that he be taken into custody.

17. Being aggrieved by the orders dated 17th September, 2025 and 16th October, 2025, as well as the consequential directions issued therein, the appellant-contemnor has approached this Court by way of the present appeals.

SUBMISSIONS ON BEHALF OF THE APPELLANT

18. The learned counsel appearing for the appellant-contemnor submitted that the impugned orders reflect an erroneous, impermissible and excessive exercise of contempt jurisdiction, inasmuch as the High Court while initiating *suo motu* proceedings proceeded beyond the settled contours governing criminal contempt. It was contended that the directions impugned herein, including the institution of fresh contempt proceedings and the summary rejection of the appellant-contemnor's applications and objections, suffer from manifest legal infirmities and warrant interference by this Court.

19. It was submitted that the appellant-contemnor was well justified in contending that the decisions in ***Pritam Pal v. High Court of M.P.***⁶, and ***C.K. Daphtary v. O.P. Gupta***⁷, do not continue to govern the field in view of the subsequent authoritative pronouncement of this Court in ***P.N. Duda v. P. Shiv Shankar***⁸. Placing specific reliance on paragraph 39

⁶ 1993 Supp (1) SCC 529.

⁷ (1971) 1 SCC 626.

⁸ (1988) 3 SCC 167.

thereof, learned counsel submitted that this Court unequivocally held that the ratio in **C.K. Daphtary** (*supra*), stood statutorily eclipsed upon enactment of the Contempt of Courts Act, 1971, and was of no assistance thereafter. It was thus contended that raising such a legal submission could not, by any stretch, constitute contempt, but rather falls within the permissible bounds of *bona fide* legal defence.

20. It was also submitted that the ratio laid down in **C.K. Daphtary** (*supra*) no longer holds the field in light of the later decision of this Court in **In re: C.S. Karnan**⁹, wherein a seven-Judge bench, while examining the contours of contempt jurisdiction, unequivocally clarified that imputations against a Judge are not *ipso facto* impermissible, and that an allegation founded on demonstrable truth, made *bona fide* and in public interest, does not automatically constitute contempt.

21. It was further submitted that the finding of professional misconduct recorded by the High Court against sixteen advocates is wholly unjustified, without jurisdiction and *void ab initio*, inasmuch as

⁹ (2017) 7 SCC 1.

the power to initiate and adjudicate disciplinary proceedings against advocates is statutorily vested exclusively with the State Bar Council/Bar Council of India, which is to be exercised strictly in the manner prescribed under the Advocates Act, 1961 and the Bar Council of India Rules. It was contended that, in the absence of initiation of proceedings by the concerned Bar Council and strict compliance with the mandatory statutory procedure, any determination recording professional misconduct by the High Court amounts to assumption of jurisdiction not conferred by law, rendering the impugned finding a nullity, and liable to be set aside.

22. Concluding the submissions, learned counsel for the appellant-contemnor implored the Court to allow the present appeals and consequently set aside the impugned orders as being arbitrary, perverse and unsustainable in law and on facts.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

23. *Per contra*, learned counsel appearing for the High Court of Judicature at Bombay opposed the appeals and supported the impugned orders,

submitting that the same have been rendered upon proper appreciation of the material on record and for ensuring proper administration of justice by the High Court.

24. It was contended that the orders under challenge do not suffer from any illegality, perversity, or procedural irregularity so as to warrant interference by this Court in exercise of its appellate jurisdiction.

ANALYSIS AND DISCUSSION

25. We have heard and considered the submissions advanced by learned counsel for the parties. We have also carefully perused the impugned orders and sifted the material available on record.

26. Judicial independence forms a foundational and non-derogable feature of the constitutional scheme. It ensures that courts are able to discharge their adjudicatory functions free from external influence, fear, favour, or pressure, thereby safeguarding the rule of law and securing the effective dispensation of justice. The strength and legitimacy of the judiciary lie not in any capacity to command or compel, but in the confidence of the people in its integrity, neutrality, and institutional independence.

27. This Court in ***Shanti Bhushan v. Supreme Court Of India***¹⁰, emphasised that sole strength of the judiciary lies in the confidence and trust reposed in it by the public, and proceeded to observe as follows:-

“36. The judiciary even without the sword or the purse, remains the guardian of the Constitution. Its sole strength lies in the public confidence and the trust. A.S. Anand, J. (as his Lordship then was, later the Chief Justice of India) highlighted this aspect (though in the context of contempt jurisdiction of the Court) in *State of Rajasthan v. Prakash Chand* [*State of Rajasthan v. Prakash Chand*, (1998) 1 SCC 1] in the following words : (SCC pp. 38-39, para 58)

“58. ... The virtue of humility in the Judges and a constant awareness that investment of power in them is meant for use in public interest and to uphold the majesty of rule of law, would to a large extent ensure self-restraint in discharge of all judicial functions and preserve the independence of judiciary. It needs no emphasis to say that all actions of a Judge must be judicious in character. ***Erosion of credibility of the judiciary, in the public mind, for whatever reasons, is the greatest threat to the independence of the judiciary.*** Eternal vigilance by the Judges to guard against any such latent internal danger is, therefore, necessary, lest we “suffer from self-inflicted mortal wounds”. We must remember that the Constitution does

¹⁰ (2018) 8 SCC 396.

not give unlimited powers to anyone including the Judge of all levels. *The societal perception of Judges as being detached and impartial referees is the greatest strength of the judiciary and every member of the judiciary must ensure that this perception does not receive a setback consciously or unconsciously.* Authenticity of the judicial process rests on public confidence and public confidence rests on legitimacy of judicial process. Sources of legitimacy are in the impersonal application by the Judge of recognised objective principles which owe their existence to a system as distinguished from subjective moods, predilections, emotions and prejudices.”

37. We may also quote the following passage from *S.P. Gupta* [*S.P. Gupta v. Union of India*, 1981 Supp SCC 87] (per Pathak, J.) : (SCC p. 705, para 874)

“874. ... While the administration of justice draws its legal sanction from the Constitution, its credibility rests in the faith of the people. Indispensable to that faith is the independence of the judiciary. An independent and impartial judiciary supplies the reason for the judicial institution; it also gives character and content to the constitutional milieu.”

38. In *Supreme Court Advocates-on-Record Assn. case* [*Supreme Court Advocates-on-Record Assn. v. Union of India*, (1993) 4 SCC 441] , J.S. Verma, J. echoed the aforesaid sentiments with the following message : (SCC pp. 646-47, para 329)

“329. The role of the judiciary under the Constitution is a pious trust reposed by the people. The Constitution and the democratic polity thereunder shall not survive, the day judiciary fails to justify the said trust. If the judiciary fails, the Constitution fails and the people might opt for some other alternative.”

39. Thus, the faith of the people is the bedrock on which the edifice of judicial review and efficacy of the adjudication are founded. Erosion of credibility of the judiciary, in the public mind, for whatever reasons, is greatest threat to the independence of the judiciary. We live in an age of accountability. What is required of Judges is changing. Judgments of the courts are widely discussed, debated and even criticised. In this age of technology, open society and liberal democracy coupled with varied nature of cases raising complex issues which are decided by the courts, including “*hard cases*” any outcome whereof may be susceptible to criticism, as both views may appear to be equally strong. In that sense, judiciary walks the tightrope of independence. It has also become a regular feature that even laymen, who are constitutionally illiterate, enter such debate and evaluate the outcomes influenced by their emotions, rather than on legal or constitutional principles.”

(Emphasis Supplied)

28. In this constitutional backdrop, any unfounded or intemperate allegations impugning the integrity, motives, or impartiality of the judiciary, whether directed against the institution or an individual

Judge, assume serious significance. Such imputations, when made without substantiated basis and in a manner calculated to erode public faith, have the potential to diminish the credibility of the justice delivery system. While fair, reasoned, and *bona fide* criticism of judicial decisions remains a legitimate facet of democratic discourse, reckless aspersions strike at the very foundation of judicial independence by undermining the trust upon which the authority of the judiciary ultimately rests.

29. A litigant aggrieved by a judicial order is undoubtedly entitled to question its correctness before a higher forum. However, the legitimacy of such challenge rests upon civilised and temperate criticism of the judicial determination and not upon insinuations directed at the integrity or neutrality of the Judge. A clear distinction must be maintained between assailing the correctness of a judicial decision and personalising the grievance by attributing motives to the Judge concerned.

30. In the present case, the appellant-contemnor has levelled serious imputations against “Justice X”, a sitting Judge of the High Court. The allegations voiced by the appellant-contemnor during the press

conference, as well as those reiterated in the Interim Application No.3297 of 2025, attribute lack of impartiality and improper motives to a constitutional functionary discharging judicial duties.

31. The appellant-contemnor, being a member of the Bar and an officer of the Court, was under a heightened obligation to conduct himself in a manner befitting the dignity of the legal profession and the institutional sanctity of the judicial process. Members of the Bar occupy a position of privilege and responsibility in the administration of justice, and their conduct, both within and outside the courtroom, must reflect restraint, sobriety and fidelity to the ethical standards governing the profession.

32. In this backdrop, the course adopted by the appellant-contemnor in addressing a press conference and publicly voicing allegations against a sitting Judge cannot be viewed lightly. The act of carrying a pending judicial controversy into the public domain in a manner that tends to sensationalise the proceedings or scandalise the institution or its constitutional component, i.e., the Judges, is wholly inconsistent with the discipline

expected of an advocate. Professional ethics require that grievances against judicial orders must be ventilated through established legal remedies before appropriate judicial forums, rather than through public commentary capable of influencing perception about the fairness or integrity of the judicial process. The manner in which the press conference was convened and the allegations were projected is, *prima facie*, unbecoming of a member of law professional and falls short of the standards of propriety, restraint, professional, and ethical responsibility which the legal profession demands. An advocate, more than any other stakeholder in the justice delivery system, bears a heightened duty to uphold the dignity of the institution and to act with circumspection in matters touching upon the administration of justice. Public confidence in the judiciary constitutes an indispensable foundation of the rule of law, and any attempt to scandalise or sensationalise judicial proceedings undermines that very foundation.

33. Upon a *prima facie* consideration of the material on record, the allegations, as presently framed, appear to traverse that well-recognised boundary.

They are not confined to identifying any error of law or fact, but extend to imputing motives without any demonstrable foundation. Assertions of this nature, particularly when directed against a sitting Judge of the High Court, require a degree of responsibility and substantiation commensurate with their seriousness. The tenor and sweep of the allegations, therefore, raise concerns that go beyond the immediate *lis* between the parties.

34. In our considered view, allegations of this character, if left unchecked, possess an inherent tendency to erode public confidence in the administration of justice. While accountability and scrutiny are integral to a constitutional democracy, imputations of personal nature against a Judge must rest on unimpeachable material and be pursued strictly in accordance with law, failing which, they risk undermining the very edifice of judicial independence.

35. As an upshot of the above discussion and having regard to the stage at which the proceedings presently stand, we are of the opinion that no case for interference with the impugned orders is made out.

The issues raised can appropriately be examined by the High Court in accordance with law.

36. We are, therefore, not inclined to interdict the proceedings at this stage. We request the High Court to proceed with the matter expeditiously and to adjudicate upon all issues arising therein independently and on their own merits.

37. We clarify that the observations made in the preceding paragraphs are confined to a *prima facie* consideration for the limited purpose of adjudication of the present appeals. They shall not be construed as any expression of opinion on the merits of the controversy, nor shall they in any manner influence the High Court in the independent exercise of its judicial functions.

38. The appeals are accordingly dismissed.

39. Pending application(s), if any, shall stand disposed of.

.....**J.**
(VIKRAM NATH)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
APRIL 20, 2026.