

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL SPECIAL JURISDICTION**

APPELLATE SIDE

CRLCP 5 of 2025

With

CRLCP 6 of 2025

With

CRLCP 7 of 2025

**In the matter of: Court on its own motion
v.
Raju Das & Ors.**

**Before: The Hon'ble Justice Arijit Banerjee

 The Hon'ble Justice Sabyasachi Bhattacharyya

 &

 The Hon'ble Justice Rajarshi Bharadwaj**

**for the informant in : Mr. Partha Sarathi Sengupta, Sr. Adv.,
CRLCP 5 of 2025 Mr. Samim Ahammed, Adv.
 Mr. Siddharth Sankar Mondal, Adv.
 Mr. Arka Maiti, Adv.
 Mr. Tapas Maity, Adv.
 Ms. Anjana Mahaboob, Adv.
 Ms. Saloni Bhattacharya, Adv.
 Ms. Reshma Khatun, Adv.
 Ms. Sabnam Mustari, Adv.**

**for the informants in : Mr. Ritzu Ghosal, Sr. Adv.,
CRLCP 7 of 2025 Mr. Mainak Ghoshal, Adv.
 Mr. Rajosik Dutta, Adv.
 Mr. Naman Shah, Adv.**

**For the alleged contem- : Mr. Saurav Mallick, Adv.
nor nos. 1 to 7**

**For the alleged contem- : Mr. Kalyan Kumar Bandopadhyay, Sr. Adv.,
nor no. 8 Mr. Ayan Chakraborty, Adv.
Mr. Rahul Kr. Singh, Adv.
Ms. Sohini Mukherjee, Adv.**

**for the office of the Ld. : Mr. Vivekananda Bose, Jr. St. Counsel
AG.**

**for the office of the Ld. : Mr. Kumar Jyoti Tewari, Adv.,
ASGI (UOI) Ms. Rashmi Bothra, Adv.
Mrs. Amrita Pandey, Adv.
Ms. Samriddhi Nayak, Adv.**

**for the Bar Library Club : Mr. Sabyasachi Choudhury, Adv.
Mr. S. Nag, Adv.
Mr. Anindya Basu, Adv.**

**for the Incorporated : Mr. Mukul Lahiri, Adv.,
Law Society Mr. Soumya Majumder, Adv.
Mr. Saikat Banerjee, Adv.
Mr. Siddhartha Banerjee, Adv.
Mr. Anirban Pramanick, Adv.**

Judgment on : 13.07.2026

Arijit Banerjee, J.:-

1. On April 28, 2025, several learned Advocates appeared before the Division Bench presided over by the Hon'ble the Chief Justice and drew the attention of the Bench to certain acts and conduct of a group of persons including the alleged contemnors in these proceedings which the learned advocates perceived as amounting to criminal contempt of this Court. Three affidavits were filed before the Division Bench. One was affirmed by Amitabha Ghosh, Advocate, on April 28, 2025, and was registered as CRLCP 5 of 2025. Another was affirmed by Tapas Maity, Advocate, on April 28, 2025, and was registered as CRLCP 6 of 2025. The third affidavit was affirmed on the same date by Tisha Guha, a Law Student, which was registered as CRLCP no. 7 of 2025.

2. On the same date i.e., April 28, 2025, the Hon'ble the Chief Justice passed an order on the administrative side, which reads as follows:-

“The matter was mentioned before Court Room No. 1 today (28.04.2025) by several learned Advocates, who were uniform in their submission that the incidents which occurred on 25.04.2025 at Kiran Sankar Roy Road, Kolkata 700001, is a clear interference to the administration of justice and a threat meted out to the Judiciary and the learned Members of the Bar. Video Clipping was shown to us in which it was seen that one person was stamping the photograph of a Hon'ble Judge with his feet. The interview given to the concerned Youtube channel was translated and explained to the undersigned in English, from which it appeared, prima facie, clear that the person was mentioning about the name/s of Hon'ble Judges present and past, there was also mention about orders passed by the Hon'ble Supreme Court and the names of Senior Advocates were also taken.

Thus I am convinced that the matter requires immediate attention, to protect the image of the Judiciary from scurrilous and baseless allegations.

Hence I deem it appropriate to constitute the following Special Bench comprising:-

- (1) Hon'ble Justice Arijit Banerjee,
- (2) Hon'ble Justice Sabyasachi Bhattacharyya, AND
- (3) Hon'ble Justice Rajarshi Bharadwaj.

The petitions along with this note be placed before Hon'ble Judges so as to enable the Hon'ble Special Bench to fix a date for the matter to be listed.”

3. This Bench first assembled on May 2, 2025. On that date we had passed an order which reads as follows:-

“1. These proceedings for criminal contempt have been initiated suo motu by the Court of the Hon’ble the Chief Justice by reason of an extremely unfortunate incident.

2. We have gone through the materials, which have so far been brought on record including affidavits of persons, who were present at the place of occurrence. Prima facie, we are of the view that criminal contempt has been committed in this case by the alleged contemnors by interfering with due administration of justice and scandalizing the judiciary.

3. Hence, let notice be issued to the 8 alleged contemnors named in CRLCP 7 of 2025 who include the contemnor nos.1, 2 and 3 both in CRLCP 5 of 2025 and CRLCP 6 of 2025.

4. Let copies of all affidavits and other materials available so far in the records of these contempt proceedings be made available to the alleged contemnors. They will be at liberty to file replies within a fortnight from the date of receipt of notice.

5. The Commissioner of Police is directed to cause due enquiry and identify the persons who are responsible for and who contributed to the unfortunate incident. The Commissioner is requested to file a report in this regard on the adjourned date.

6. The Commissioner of Police shall also ensure that the concerned CCTV footage of the incident on April 25, 2025, is preserved, particularly between 3 p.m. and 9 p.m. in respect of the CCTV cameras installed at or in the vicinity of Kiran Shankar Roy Road and Old Post Office Street.

7. The Office of learned Advocate General is requested to ensure that the police report that we have called for, is available before us on the adjourned date on prior circulation to learned Advocates appearing in different matters.

8. The Commissioner of Police is also requested to ensure due protection to all the members of the profession and to see that the unfortunate incident or the like does not recur.

9. Learned Registrar General of this Court is requested to ensure that notices of these proceedings are served on the persons mentioned above along with the relevant material immediately. Learned Registrar General shall also communicate this order to the Police Commissioner forthwith.

10. List these matters once again on May 19, 2025, at 12.30 p.m.

11. On the adjourned date, learned Registrar General shall file a report as regards service to the alleged contemnors and the Police Commissioner.

12. All concerned will be at liberty to file affidavits to bring on record any relevant material.

13. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.”

4. On May 19, 2025, when we again assembled, we recorded the following order:-

“1. Report filed on behalf of the Commissioner of Police be kept with the records.

2. Affidavit filed on behalf of the Incorporated Law Society be also retained with the records.

3. By our order dated May 2, 2025, we had recorded that *prima facie* we are satisfied of commission of criminal contempt by the alleged contemnors. We had granted liberty to the alleged contemnors to file their replies within a fortnight from the date of receipt of notice.

4. Today all the alleged contemnors are represented through learned Advocates. None of them has filed any affidavit. The allegations against them remain uncontroverted.

5. There will be Rules against the alleged contemnors. The Rules are made returnable on June 16, 2025 at 12.30 p.m.

6. Learned Advocate representing the Incorporated Law Society is requested to supply copies of the affidavit filed today to the other learned Advocates who request for the same. Since the report of the Commissioner of Police has already been circulated amongst learned Advocates, we do not pass any direction for circulating the same once again.”

5. Thereafter from time to time on various dates, we heard the matters. On April 9, 2026, hearing was concluded.

6. The alleged contemnors filed affidavits answering the rule. A report dated May 17, 2025, was filed by the then commissioner of police, Calcutta, in terms of our order dated May 2, 2025.

7. The contents of the three affidavits are similar. To avoid prolixity we may note the contents of the affidavit affirmed by Amitava Ghosh, captioned complaint in the form of affidavit.

8.

“COMPLAINT IN THE FORM OF AFFIDAVIT

I, Amitabha Ghosh, son of Dilip Ghosh, aged about 52 years, residing at 30 Rajmohan Road, New Telephone Exchange, Uttarpara Kotrung,

Uttarpara, Hooghly, Pin Code-712258, by faith-Hindu, by occupation-Advocate, presently holding the office of President of the All India Lawyers Union - Calcutta High Court Committee, do hereby solemnly verify, affirm and state as follows:

1. I say that I am constrained to draw the urgent and immediate attention of this Hon'ble Court to a most grave and unprecedented incident which took place on 25th April 2025 at approximately 4:45 p.m. at 10, Kiran Sankar Roy Road, opposite the City Civil Court, Kolkata-700001, where numerous advocates maintain their professional chambers.

2. I say that at the said time and place, a large group of individuals unlawfully assembled, blocked the main entrance to the building as well as the adjoining public thoroughfare, and wrongfully restrained advocates, litigants, clerks, and other persons from exiting the premises. Several advocates including Sudipto Dasgupta, Bikram Banerjee, Sagarika Goswami, Gopa Biswas, Firdous Samim, Sinjini Chakraborty, Dipa Acharya, Arka Nandi and Baibhab Roy were wrongfully confined within their chambers, and such acts caused fear, panic, and a complete disruption of professional and legal duties, constituting a direct and deliberate obstruction to the administration of justice.

3. I say that certain members of the said mob have been identified who are as follows;

- i. Raju Das of Village - Layer, Post Office - Janta, District -Bankura, Pin Code-722122;
- ii. Suwendu Das, son of Dibakar Das of Village - Dhoshpara, Post Office - Kalitala, Police Station - Sagar, District - South 24 Parganas, Pin Code - 743373;

iii. Atanu Roy, residing at Village - Gargeswar, Post Office - Paharhati, Police Station - Memari, District - Purba Burdwan, Pin Code-713146.

4. I say that the aforesaid persons along with Rajesh Sarkar Chaudhury, and unknown persons, were acting in a contemptuous manner and were continuously shouting provocative, abusive, and menacing slogans. A copy of the pictures of the said so called protestors are annexed hereto and marked as Annexure A collectively.

5. I say that the aforementioned persons and other unknown persons hurled threats of grievous bodily harm and directed vulgar and obscene abuses, particularly aimed at female advocates, with the manifest intention to outrage their modesty and dignity for being associated with a case being WPA 25056 of 2022 while representing the petitioners in the said case.

6. I say that the said individuals further crossed all bounds of legality and propriety by raising scandalous and defamatory slogans against the Hon'ble Justice Biswajit Basu of this Hon'ble Court, expressing resentment over judicial orders passed in W.P.A. No. 25056 of 2022. The said Raju Das while addressing the media made following statement;

“সেটা তো ওনার সেটিং জাজ সুপ্রীম কোর্টের ওর্ডার মানছেন সুপ্রীম কোর্টের ওর্ডারে পরিস্কার বলা আছে এদের জয়েনিং লেটার দেওয়া হোক বৈধ বলে প্রমাণ করি তা শর্তেও বিশ্বজিৎ বসু টোটাল জাজ যে এম. পি. হওয়ার জন্য মূলত এম. পি. হওয়ার জন্য একজন গাঙ্গুলি এম. পি. হয়েছেন বিকাশ বাবুর হাত ধরে এখন উনিও আগে যেটা হেয়ারিং দেখেছেন তা টোটালি অ্যাভয়েড মানে আমাদের লইয়ারকে কোনো পাত্তা দিচ্ছেনা কিন্তু উনি ফিরদৌসকে নিয়ে যারা মিথ্যে ফেল করা ক্যান্ডিডেট তাদেরকে নিয়ে দাখিল করছে সেটা অ্যালাও করছে কিন্তু আমাদেরটা অ্যালাও করছেন এই

মোমেন্টে আমাদের একটাই দাবি এই করাপ্টেড জাজ, করাপ্টেড বিকাশ বাবুর বিরুদ্ধে তদন্দ হোক”

(He is not complying with the Supreme Court's order despite being a sitting judge. The Supreme Court's order clearly states that joining letters should be issued and that the appointments are to be treated as valid, subject to proof. Still, Biswajit Basu, who is entirely biased, is mainly aiming to become an MP, and another person named Ganguly has already become an MP through Bikas Babu's influence. Now, Biswajit Basu is completely avoiding the earlier hearing he conducted and is ignoring our lawyer. On the other hand, he is allowing submissions on behalf of failed candidates through Firdous, but he is not allowing ours. At this moment, our only demand is that there must be an investigation against this corrupt judge and corrupt Bikas Babu.) Their utterances were clearly intended to scandalize this Hon'ble Court, lower its authority in the eyes of the public, and erode public confidence in the judicial institution, thereby constituting a grave and deliberate act of criminal contempt.

7. I say that the said individuals displayed photographs of the Hon'ble Judge and distinguished advocates on the public road, trampled upon them, spat upon them, and recorded these shameful acts on video. Such acts of desecration of the image of members of the judiciary and the Bar strike at the very root of the authority of this Hon'ble Court and the dignity of the legal profession and constitute a manifest interference with the due course of justice. Copy of screenshots of video showing acts of desecration from the so called protest is annexed hereto and marked as Annexure B collectively. I crave leave to produce the entire video at the time of hearing if necessary.

8. I say that despite the extreme gravity of the situation, police personnel present at the scene failed in their solemn duty to intervene, control, or disperse the unlawful assembly, thereby emboldening the wrongdoers and aggravating the obstruction to justice.

9. I say that in fact police has failed to take any steps despite the fact that contemporaneous complaints were made by and/or on behalf of the trapped advocates seeking help. Copy of the contemporaneous complaints are annexed hereto and marked as Annexure C collectively.

10. I say that in fact Advocate Sudipto Dasgupta has previously on April 1, 2025 made a complaint to the police authorities in regard to a social media post made by the said Raju Das by which the said Raju Das targeted Advocate Dasgupta and his wife for appearing in a matter. In the said complaint explicit mention was made of apprehension of harm. Despite thereof, no steps were taken by the police authorities. Copy of the said complaint is annexed hereto and marked as Annexure D. Copy of the Facebook post by Raju Das is annexed hereto and marked as Annexure E.

11. I say that at about 8:00 p.m., upon being informed of the grave threat to the safety of advocates, Mr. Bikash Ranjan Bhattacharyya, Learned Senior Advocate, arrived at the scene and sought to facilitate the evacuation of the trapped advocates. However, he too became the target of hostile slogans, intimidation, and an attempted assault, and despite his courageous efforts, the mob launched a violent attack, hurling stones and bottles, leading to injuries and assaults on several advocates, including female members of the Bar.

12. I say that only much later in the night, and in a perfunctory manner, did the police intervene and facilitate the escape of the trapped

advocates, by which time substantial damage to the dignity of the Court and the legal profession had already been inflicted.

13. I say that on the same day, Mr. Kunal Ghosh, a senior leader of the Trinamool Congress, made highly inflammatory and contemptuous statements in public and before the media, scandalizing this Hon'ble Court and vilifying respected members of the Bar, thereby seeking to lower the authority of the judiciary and interfere with the due course of justice while purporting to defend the action of the members of the mob.

14. I say that Mr. Kunal Ghosh stated in the public domain, “এসএলএসটি শারীর শিক্ষা ও কর্মশিক্ষা চাকরিপ্রার্থীদের কেন্দ্র করে হাইকোর্টে একটি ঘটনা ঘটে। প্রতিনিধিরা দেখা করতে আসেন। এদের অবিলম্বে নিয়োগে যে স্থগিতাদেশ আছে, তা তুলে নিয়োগ করা উচিত। এরা সকলে যোগ্য। সিবিআই-এর কোনও অভিযোগ নেই। সেই কারণে মুখ্যমন্ত্রী রেকমেন্ডেশন লেটার দিয়েছেন। কিন্তু তারপর সিপিএমের উকিলরা এদের পরিবারকে জটিলতায় ফেলেছেন। এই স্থগিতাদেশ দীর্ঘদিন ধরে চলেছে।”

(An incident occurred in the High Court regarding SLST Physical Education and Work Education job candidates. Representatives came to meet regarding the matter. The stay order that currently exists on their immediate appointment should be lifted, and they should be appointed. All of them are qualified. There are no CBI allegations against them. For this reason, the Chief Minister has issued a recommendation letter. However, later, lawyers associated with the CPI(M) have complicated matters for the families of these candidates. This stay order has been ongoing for a long time.)

By these remarks, Mr. Ghosh falsely alleged that the stay orders passed by this Hon'ble Court were improper and the result of political

manipulation by certain advocates, thereby attacking the judicial process and attributing mala fides to judicial orders.

15. I say that Mr. Kunal Ghosh further scandalized the judiciary by stating, “আর বিচারপতির কিছু কিছু সিপিএমের আইনজীবীকে দেখলে কী হয় জানি না। অভিজিৎ গঙ্গোপাধ্যায়কে দেখেছি। ভগবান-ভগবান-তারপর সাংসদ।”

(And as for the judge, we do not know what happens when he sees certain lawyers from the CPI(M). We have seen what happened with Abhijit Gangopadhyay- first “God-God,” and then he became a Member of Parliament (MP).)

By such statements, he contemptuously suggested that judicial officers were acting in a politically biased manner, thereby gravely undermining public confidence in the impartiality and independence of this Hon'ble Court.

16. I say that Mr. Kunal Ghosh additionally made a direct attack on the professional integrity of Senior Advocate Mr. Bikash Ranjan Bhattacharyya, by stating publicly, “বিকাশরঞ্জন ভট্টাচার্য একসময় এনাদের পক্ষে ছিলেন। ২৭ লক্ষ টাকা নিয়েছেন। আজ বাধা দিচ্ছেন বিকাশরঞ্জন ভট্টাচার্য। উনি বলছেন, টাকা নিয়ে কাজ করেছি। কিন্তু এটা কোন পেশাদারিত্ব? যাঁদের থেকে টাকা নিয়ে কাজ করেছেন, তাঁদেরই চাকরি আটকাতে মামলা করেছেন...।”

(At one point, Bikas Ranjan Bhattacharya was on their side. He took 27 lakh rupees. Today, Bikas Ranjan Bhattacharya is obstructing their work. He claims that he worked after taking the money. But is this professionalism? The very people from whom he took money, he has now filed cases to block their jobs).

By these reckless and baseless allegations of unethical conduct against a senior member of the Bar, Mr. Ghosh sought to destroy the professional

credibility of an officer of the Court and thereby obstructed the administration of justice.

17. I say that Mr. Kunal Ghosh further showed photographs of various political leaders and advocates, publicly questioning their professional and political integrity by saying, “এরা যখন ধরনায় ছিলেন তখন মহম্মদ সেলিম ওই ধরনা মঞ্চে গিয়ে কী করছেন? লজ্জা করে না? বিকাশ ভট্টাচার্য আবার চাকরি আটকাচ্ছেন। সুজন চক্রবর্তী এদের ধরনায় বসে আছে।”

(When they were on a sit-in, what was Mohammad Selim doing on the protest stage? Doesn't he feel ashamed? Bikas Bhattacharya is again blocking their jobs. Sujan Chakraborty is sitting at their sit-in. By such actions, Mr. Ghosh maliciously mischaracterized the legitimate professional activities of advocates as political betrayal, thereby intimidating members of the legal profession and undermining their independence.

18. I say that in addition, Mr. Kunal Ghosh maligned Advocate Mr. Firdous Shamim, stating publicly, “শামিম যত ইচ্ছা গালাগালি দাও ভাই। তুমি মঞ্চে কী করতে গিয়েছিলে? শামিম ৭ লাখ নিয়েছেন। এদের সঙ্গে ছিলেন। আজ বিরোধিতা করছেন কেন?”

(Shamim, you can abuse as much as you want, brother. What were you doing on the stage? Shamim took 7 lakh rupees. He was with them. Why is he opposing them now?)

Copy of the news report of the said press conference is annexed hereto and marked as Annexure F.

19. I say that such public insults and provocations, constitute a gross and calculated attempt to bring the advocates into public hatred,

ridicule, and contempt, and to disrupt the sanctity of judicial proceedings.

20. I say that Mr. Kunal Ghosh, by these successive and deliberate statements, made serious imputations against the judicial process, attempted to coerce judicial outcomes through public pressure, and scandalized the Court and the Bar, thus committing acts that squarely fall within the definition of criminal contempt under Section 2(c) of the Contempt of Courts Act, 1971.

21. I say that the acts of Mr. Ghosh are part of a larger design to obstruct the access to justice by creating a hostile and fear-laden atmosphere for advocates who are discharging their solemn duty of representing clients in Court, thereby attacking both the Bar and the Bench, the two essential pillars of the justice delivery system.

22. I say that the actions of the said individuals amount to a direct attack upon the right of access to justice, as advocates, who were merely representing their clients in accordance with their professional duties, were targeted and subjected to criminal intimidation, wrongful restraint and confinement, physical assault, and public humiliation.

23. I say that the incident also constitutes a grievous attack on both the Bar and the Bench, which are integral and inseparable components of the justice delivery system. An attack on either the Bench or the Bar is an attack on the system of justice itself and strikes at the very heart of the rule of law.

24. I say that the acts committed by the said individuals amount to criminal offences under the Bharatiya Nyay Sanhita, 2023, including but not limited to wrongful restraint, wrongful confinement, criminal intimidation, assault, and public mischief. Additionally, the acts amount

to criminal contempt under the Contempt of Courts Act, 1971, by scandalizing the Court, prejudicing judicial proceedings, and obstructing the administration of justice.

25. I say that in the circumstances, I respectfully pray that this Hon'ble Court may be pleased to take suo motu cognizance of the acts of contempt committed by the aforesaid persons and such others as may be found guilty upon inquiry, and be pleased to initiate appropriate criminal contempt proceedings as well as any other proceedings deemed fit in order to uphold the majesty of the law, protect the dignity of the judiciary and the legal profession, and reaffirm public faith in the administration of justice.

26. That the statements made in paragraphs 1, 2, 14 (part) 15 to 25, are true to my knowledge, those made in paragraphs 3 to 13, 14 (Part) are my information derived from the records, which I verily believe to be true, and the rest are my humble submissions before this Hon'ble Court.”

9. An affidavit was affirmed by Atanu Roy, one of the alleged contemnors in CRLCP 7 of 2025 on behalf of himself as also on behalf of the other alleged contemnors excepting the alleged contemnor no. 8, Kunal Ghosh. Paragraph nos. 3,4,5,14,15 and 20 of the said affidavit may be noted:-

“3. I say that the present Affidavit is being filed pursuant to the rule issued by this Hon'ble Court by the order dated 19th May, 2025 which was received by the contemnor no. 1 on 08.06.2025 and by contemnor no. 2, 3 and 7 on 11.06.2025 and by the contemnor no. 6 on 12.06.2025 and the same may also be treated as the affidavit pursuant to the direction passed by the order dated 2nd May, 20 25.

4. At the outset, I tender unconditional apology for the incidents that transpired on 25th April, 2025. I say that we have the highest regard for the judiciary as well as this Hon'ble Court and would never do or say anything to disrespect or malign the institution. I say that we are deeply remorseful for our actions and acknowledge the seriousness of the same. I say that it was never our intention to disrespect or hurt the sentiments of any person and whatever happened is very unfortunate and I pray for forgiveness before this Hon'ble Court.

5. I say that we are victims of the situation and are literally on the verge of starvation and whatever happened was out of frustration and not with the intention to disrespect this Hon'ble Court or the sentiments of any Learned Advocate or any other person. I say that there cannot be any justification of what has happened, and we are humbly praying for Your Lordships' apology and we tender our unconditional apology before this Hon'ble Court.

14. I say that the agitation which took place was by the candidates who despite being successful and recommended were not issued appointment letters because of the interim order passed in the writ petition being W.P.A. No. 25056 of 2022 (Minakshi Ghosh & Ors. -v/s- The State of West Bengal & Ors). I say the candidates are literally on the verge of starvation and have been demonstrating since the year 2022 and whatever unfortunate incident has happened was because of the mental agony and pain and also out of insecurity and frustration.

15. I say that we are not criminals or habitual offenders, but victims of the situation and whatever incidents unfolded on 25th April, 2025 was not intentional but out of mere frustration and we tender unconditional

apology before this Hon'ble Court and also undertake that such incident will never happen and/or repeat in the future.

20. I state that all the charges levied against us in the rule served on us on 08.06.2025, 11.06.2025 and 12.06.2025 are denied. It is reiterated that we never had any intention to disrespect this Hon'ble Court or any Hon'ble Judge or any Learned Lawyer and if unknowingly we have done anything to hurt the sentiments of any person, we apologize for the same and undertake that the same will not repeat in the future.”

In the other paragraphs of the said affidavit, the deponent has narrated certain facts which, according to him, triggered the agitation and contemptuous conduct of the alleged contemnors on whose behalf the said affidavit was filed.

10. The alleged contemnor no. 8 in CRLCP 7 of 2025 filed a separate affidavit affirmed on June 11, 2025. In paragraph 3 of the said affidavit the deponent stated as follows:-

“3. At the outset, I tender my unconditional and unqualified apology for any inadvertent act of mine which may be perceived to lower the majesty, sanctity and authority of this Hon'ble Court. I have immense respect and full faith in the judiciary, and I do not have any ill intention to lower the sanctity and majesty of this Hon'ble Court. I respectfully submit that I hold this Hon'ble Court in the highest regard and esteem, and I will always ensure to make all possible efforts to comply with any direction which would be passed by this Hon'ble Court in its letter and spirit.”

11. In the subsequent paragraphs of the affidavit the deponent Kunal Ghosh challenged the maintainability of the suo moto contempt proceedings by referring to Section 15 of the Contempt of Courts Act, 1971. Primarily he contended that the proceedings are not suo moto but have been set into motion by the three affidavits

filed by the complainants. Therefore, in the absence of consent of the Advocate General, the proceedings are not maintainable.

12. In the various sub-paragraphs under paragraph 8 of his affidavit, Mr. Ghosh stated as follows:-

“8. Before dealing with para-wise allegations and/or averments made and/or contained in the Affidavit filed by the Complainant in connection with the instant Criminal Contempt, I say as follows:

i. At the outset, it is stated that I was not present at the 10, Kiran Shankar Roy Road or in the vicinity of the Hon'ble High Court at Calcutta on 25th April 2025. I have no relation whatsoever with the protests at 10, Kiran Shankar Road on 25th April 2025. The report filed by the Commissioner of Police confirms this statement of mine. Thus, impleading me in the said criminal contempt petition is unwarranted as I had no connection whatsoever with the protests in question. I have been implicated in the instant contempt proceedings for oblique motives.

ii. The complainants in their affidavits have prayed for initiation of contempt proceedings for the incident which took place on 25th April, 2025, from 4:00 pm to 9:00 pm at 10, Kiran Sankar Roy Road, opposite the City Civil Court, Kolkata-700001. The cause title of the Affidavit prays for initiation of contempt proceedings for obstruction of Justice, intimidation of advocates, scandalisation of the Court, and interference with the administration of justice committed on 25th April 2025 at 10, Kiran Sankar Roy Road, Kolkata 700001. It is reiterated that I was not present with the other alleged contemnors on the said date and time in the vicinity of the Hon'ble High Court at Calcutta. I was recording an interview in the News 18 Studio, which is situated in New Town, Kolkata.

iii. I am a law-abiding citizen of this Country and I harbour deepest respect towards the judiciary of our country. I have never made any willful attempt to malign or scandalise the judiciary of this country.

iv. It is stated that I am an ardent well-wisher of the candidates who are not getting employment in schools despite being otherwise eligible for the same, and I wholeheartedly wish that the eligible and honest candidates secure their deserving employment. However, I have always advised these candidates to repose their faith and trust in the judiciary, and I have never instigated anyone to commit any illegal act under the garb of protests.

v. Some of the candidates including alleged Contemnors No. 1 to 7 approached me on 26th April 2025 with their grievances that a group of Learned Advocates, including Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate, represented them before this Hon'ble Court in WP No. 944(W) of 2019 and WP No. 947(W) of 2019. These candidates further informed me that two applications being CAN 9268 of 2019 in WP No. 944(W) of 2019 and CAN No. 9269 of 2019 in WP No. 947(W) of 2019, were filed and moved by the Learned Advocate Mr. Firdous Samim for addition of some of the candidates who were supporting the prayers in the aforesaid two Writ Petitions.

vi. The Petitioners in WP No. 944(W) of 2019 and WP No. 947(W) of 2019 primarily prayed for a direction to appoint them as Assistant Teachers in Physical Education and Work Education, for publication of the interview list containing the details of all the candidates in strict compliance with Rules 8 and 9 of the 2016 Rules and to maintain the reservation policy. This Hon'ble Court vide Judgment and Order dated 1st November 2019, directed the West Bengal Central School Service Commission to publish

the interview list with relevant details as per the mandate of Rules 8 and 9 of the 2016 Rules within 18th November 2019. I crave leave of this Hon'ble Court to refer and rely upon the Writ Petitions being WP No. 944(W) of 2019 and WP No. 947(W) of 2019 and the Orders passed therein at the time of hearing, if necessary.

vii. I was further informed by these candidates that in compliance with the Judgment and Order dated 1st November 2019, the School Service Commission published an interview list. However, there were several discrepancies in the selection process, which were pointed out before this Hon'ble Court by these candidates by filing two Writ Petitions, being WP No. 23033(W) of 2019 and WP No. 23034(W) of 2019. The candidates thus prayed for the cancellation of the panel prepared for Work Education and Physical Education before this Hon'ble Court and for their appointment to the post of Assistant Teachers in Physical Education and Work Education. Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate, was representing these candidates in WP No. 23033(W) of 2019 and WP No. 23034(W) of 2019 as well. These two Writ Petitions are currently pending adjudication before this Hon'ble Court. I crave leave of this Hon'ble Court to refer and rely upon the Writ Petitions being WP No. 23033(W) of 2019 and WP No. 23034(W) of 2019 and the Orders passed therein at the time of hearing, if necessary.

viii. Simultaneously, these candidates were also protesting against the delay in their appointment at various places in the city of Kolkata, like the Press Club, Matangini Hazra Statue, etc. Several Learned Advocates, including Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate, and Mr. Firdous Samim supported these candidates by visiting their protest sites during the years 2019 to 2021.

Photostat copies of the images showing the presence of Learned Advocates in the protests organised by these candidates are collectively annexed hereto and are marked with Annexure "A".

ix. Finally, on 19th May 2022, the Government of West Bengal, in response to the demands of these candidates, created supernumerary posts to give appointments to these candidates to the posts of Assistant Teachers in Physical Education and Work Education and for some other posts. After the creation of the supernumerary posts, these candidates visited the office of Mr. Firdous Samim, Learned Advocate, to express their gratitude and such an event was shared by Mr. Firdous Samim, Learned Advocate, on his Facebook account.

A copy of the relevant Facebook Post of Mr. Firdous Samim, Learned Advocate, is annexed hereto and is marked with Annexure "B".

x. I was further informed by these candidates that after the creation of the supernumerary posts, these candidates were called for counselling and they were recommended by the West Bengal Central School Service Commission for appointment to the posts of Assistant Teachers in Physical Education and Work Education in November 2022.

xi. In the meantime, some of the unsuccessful candidates, by filing WPA No. 25056 of 2022, challenged the creation of supernumerary posts. To the shock and dismay of these recommended candidates, the Petitioners of WPA 25056 of 2022 were being represented by Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate. Thus, Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate, who represented these recommended candidates in several litigations like WP No. 944(W) of 2019, WP No. 947(W) of 2019, WP No. 23033(W) of 2019, and WP No. 23034(W) of 2019, where the principal prayer was to give appointment to

these candidates to the post of Assistant Teachers in Physical Education and Work Education and received his professional fees for representing these recommended candidates, is now representing some other persons who wanted to stall the appointments of these recommended candidates to the posts of Assistant Teachers in Physical Education and Work Education by challenging the creation of supernumerary posts. Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate, is thus arguing against the interests of these recommended candidates.

xii. These recommended candidates also informed me that on 25th March 2025, an application, being CAN No. 8 of 2025 in WPA 25056 of 2022, was filed by some persons who were supporting the prayers of the Petitioners in WPA 25056 of 2022. Mr. Firdous Samim, Learned Advocate, represented this group of persons who filed CAN No. 8 of 2025. Thus, Mr. Firdous Samim, who was supporting these recommended candidates in their protests and also represented a group of these recommended candidates in multiple litigations, is now appearing in support of some other persons who are seeking a stay in the appointment of these recommended candidates.

xiii. Upon learning about these facts and the shifting stand of some of the Learned Advocates of this Hon'ble Court on the issue of appointment of these recommended candidates for the posts of Assistant Teachers in Physical Education and Work Education and seeing proofs in support of the allegations of these recommended candidates, I was taken aback.

xiv. Being one of the spokespersons of All India Trinamool Congress and a journalist by profession, I was thus constrained to call out the political double-facedness practised by Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate and Mr. Firdous Samim, Learned Advocate, in

the press conference of 26th April 2025. However, I did not intend nor tried to defame or lower the sanctity of the judicial system of this Hon'ble Court in the said press conference. Any wayward statement made by me in such a press conference that tends to scandalise the sanctity of this Court was unintentional, and I deeply regret making such a statement.

xv. I state that my statements about receiving legal fees from the protesting candidates for fighting their legal battle and then opposing these candidates now when the West Bengal Central School Service Commission has issued recommendation letters, come from the grievances which were expressed by these recommended candidates themselves and are not my personal knowledge which I have clearly stated in the video that the complainants are relying on in their Affidavits.

xvi. Even on 25th April 2025, when I came to know about the gatherings and protests outside the premises of the Hon'ble High Court at Calcutta. I, as a well-wisher of these protesting candidates, had asked them through WhatsApp not to violate the law of the land while holding their protests and advised them not to take any illegal or wrong steps to vent out their anger and frustration.

A copy of the screenshot of my WhatsApp Messenger Communication to the protesting candidates is annexed hereto and is marked with Annexure "C".

xvii. I state that I have the highest regard for the Judiciary and faith in the judicial system. In my personal life, I have attended several hearings before the Hon'ble High Court at Calcutta as well as different District/Magistrate Courts, and I have always tried to comply with all

the directions of the Hon'ble Courts in their letter and spirit with utmost respect.

xviii. It is pertinent to mention here that the decision of Hon'ble Justice Abhijit Gangopadhyay (Retd.) to join a political party immediately after resigning from the post of Judge of this Hon'ble Court was criticised by me as the said decision was a political decision. Thus, I had expressed my views from a political outlook and never disrespected or tried to lower the sanctity of this Hon'ble Court while making any statement in this regard.

xix. It is reiterated that I was nowhere near the vicinity of this Hon'ble Court on 25th April 2025, and I had no role whatsoever in the said incident. On the other hand, I had tried to stop the said protests by sending a text to one of the protesters. This fact has not been contradicted in the report of the fact has not been contradicted in the report of the Commissioner of Police, Kolkata, which was filed before this Hon'ble Court on 19th May, 2025.

xx. It is pertinent to mention herein that the aforementioned Advocates are also political personalities, and these Learned Advocates have given statements against the ruling dispensation of the State as well against the Hon'ble Chief Minister of West Bengal on umpteen occasions to which, being a spokesperson of All India Trinamool Congress, I was required to answer to. Links of some of the political statements made by Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate and Mr. Firdous Samim, Learned Advocate, are mentioned herein below:

1.<https://www.facebook.com/share/r/1BSaYebY4W/>

2.<https://www.facebook.com/share/r/1SMwKC4t7Q/>

3.<https://www.facebook.com/share/r/1Ejr16Sorj/>

4.<https://www.facebook.com/share/r/15iSe9zu7T/>

5.<https://www.facebook.com/share/r/1DrMG7fb7Q/>

6.<https://www.facebook.com/share/r/1C8GORY8M8/>

I crave leave of this Hon'ble Court to produce the video footage of these political speeches at the time of hearing, if necessary.

xxi. It is reiterated that I deny the charges levied against me in the rule issued on 19th May 2025, which was served upon me on 06th June 2025. I was not present at 10 Kiran Shankar Roy Road, Kolkata 700001 on 25th April 2025. Thus, I have not participated in any activity that would lower the majesty of this Hon'ble Court in any manner whatsoever.

xxii. Notwithstanding the statements made in the aforementioned paragraphs, I am tendering my unconditional and unqualified apology for any inadvertent act of mine which may be perceived to lower the majesty, sanctity and authority of this Hon'ble Court. I have immense respect and full faith in the judiciary and do not have ill intention to lower the sanctity and majesty of this Hon'ble Court. I respectfully submit that I hold this Hon'ble Court in the highest regard and esteem, and I will always ensure to make all possible efforts to comply with any direction which would be passed by this Hon'ble Court in its letter and spirit."

13. Paragraphs 13 to 16 of Mr. Ghosh's affidavit may also be noted:-

"13. It is submitted that I have the highest regard and respect for the dignity and majesty of the Hon'ble Court and that I have no intention whatsoever either to demean the majesty and sanctity of this Hon'ble Court or to transgress, disobey, or violate the Solemn Order dated 2nd May, 2025 passed by this Hon'ble Court. I have the highest regard for

the orders passed by this Hon'ble Court, and I treat the same in the highest esteem.

14. It is submitted that even if the allegations made in paragraphs No. 7 to 9, vis-à-vis my statements relating to the Learned Advocates of this Hon'ble Court are proved to be true, then also the same would not constitute an act of contempt as the statements made on the conduct of the Learned Advocates would not reflect upon the sanctity and majesty of this Hon'ble Court.

15. However, I tender an unqualified apology to this Hon'ble Court, in the event this Hon'ble Court finds that there is any omission on my part or any of my actions have adversely affected the sanctity of this Hon'ble Court in any manner whatsoever. It is humbly and respectfully submitted that such omission and/or action is neither willful nor deliberate.

16. In the light of the aforesaid facts and circumstances, it is most respectfully submitted that this Hon'ble Court be pleased to dispense with the Rule issued against me, reject the prayers of the complainant made in the contempt petition for the reason stated herein above, and discharge me from the proceeding.”

14. Mr. Kalyan Bandopadhyay, learned Senior Advocate, appearing for the alleged Contemnors No. 8 in CRLCP 7 of 2025 (Mr Kunal Ghosh, in short, referred to as ‘Kunal’), tendered sincere, profound, unqualified and unconditional apology to the Court. It was submitted that Kunal holds the institution of the judiciary and this Court in the highest esteem and regard. If any statement or act of Kunal howsoever inadvertent is perceived to have lowered the majesty and sanctity of this Court, Kunal expresses his deepest and unreserved regret for the same.

15. It was then submitted that the instant proceeding for criminal contempt is not maintainable in law. It has been initiated in contravention of the mandatory procedure established under the Contempt of Courts Act, 1971, and the Contempt of Courts (Calcutta High Court) Rules, 1975. Mr. Bandopadhyay argued that the proceedings, though styled as 'suo moto', were in fact initiated on the basis of affidavits filed by private informants who have effectively acted as petitioners and were shown as petitioners in several orders passed in the instant proceeding. Such a course is impermissible since the same circumvents the statutory safeguard under Section 15 of the Act, which mandates obtaining of consent of learned Advocate General for any motion by a private person. This procedural safeguard is not a mere technicality but a substantive protection against misuse of the contempt jurisdiction for collateral purpose. In this connection learned Counsel referred to a decision in ***Biman Basu v. Kallol Guha Thakurta and Anr*** reported at (2010) 8 SCC 673, paras 24 to 28.

16. Learned Senior Counsel submitted that the very assumption of jurisdiction by this Court is flawed. Under the 1975 Rules, the Chief Justice possesses the power to assign a Rule, once issued, for hearing, to another Bench. However, the 1975 Rules do not empower the Chief Justice to assign the contempt application itself for initiation of proceedings, particularly by way of an administrative order. The initiation of suo moto contempt is a judicial function which cannot be delegated or exercised through an administrative fiat. Therefore, the instant proceedings suffer from a fundamental jurisdictional defect. The Rule issued by this Bench is thus ultra vires the provisions of the 1975 Rules.

17. It was then submitted that on the date of the alleged incident, i.e., April 25, 2025, Kunal was not physically present at or near the premises of the Calcutta High Court or at the site of the protest at 10, Kiran Shankar Roy Road, Kolkata. At the relevant time, he was at the News 18 Studio in Newtown, Kolkata, for a

professional engagement. This fact can be easily verified. The charge levelled against Kunal, which presumes his physical involvement in the concerned protest, is baseless and untenable. In this connection, learned Senior Counsel drew our attention to the Rule communicated to Kunal which mentions the charges against him.

18. Learned Counsel submitted that far from instigating or participating in any unlawful activity, Kunal, upon learning of the protest, took immediate and proactive steps to advise restraint. He communicated with the protesters via WhatsApp Messenger, explicitly asking them to act in accordance with law and not to get involved in any illegal act. This act on the part of Kunal demonstrates a clear absence of any mens rea or intent on his part to encourage any action that could even remotely be construed as contemptuous. It evidences his respect for the rule of law and the judicial process.

19. It was then submitted that the statements made by Kunal during a press conference on April 26, 2025, must be understood in their proper context. He made such statements in his capacity as the official spokesperson of All India Trinamool Congress (AITC). Those statements were a political rebuttal to the public statements and actions of certain learned Advocates who are also prominent political personalities actively associated with an opposition political party and have repeatedly made scurrilous comments about the leader of AITC. Kunal, in his political role, was duty bound to respond to such political attacks.

20. It was submitted that Kunal's criticism was directed at the perceived political conduct and professional inconsistency of the said Advocates and not at this Court, or its solemn orders. The statements made by Kunal did not scandalize the Court nor did they interfere with or obstruct the administration of justice. The intention was to highlight what was perceived as political hypocrisy, and not to undermine the authority of the judiciary.

21. Mr. Bandopadhyay submitted that the press conference was held on April 26, 2025, i.e., one day after the day of protest. Therefore, the statements made in such press conference could not have, by any stretch of imagination, instigated, abetted or influenced the events that had already happened on the previous day. The allegations connecting Kunal's statements to the physical protest are based on conjecture and are an attempt to attribute vicarious liability to him where none exists.

22. It was finally submitted by learned Senior Counsel that contempt proceedings are quasi-criminal in nature. The alleged contemnor is entitled to all the protections and safeguards which are available to an accused in criminal jurisprudence, including the benefit of doubt. In this connection the learned Counsel referred to the observations of the Hon'ble Supreme Court at paragraph 20 of the decision in ***Sahdeo @ Sahdeo Singh v. State of Uttar Pradesh and Ors, reported at (2010) AIR SCW 1852: (2010) 3 SCC 705.***

23. Mr. Bandopadhyay also relied on the following decisions:-

(i) Yatin Narendra Oza v. Khemchand Rajaram Koshti & Ors., reported at (2016) 9 SCC 343.

(ii) In Re: Harijai Singh and Anr, In Re: Vijay Kumar, reported at (1996) 6 SCC 466.

I will revert to these decisions later in this judgment, if necessary.

24. Appearing for all the alleged contemnors excepting Sri Kunal Ghosh, Mr. Prateek Majumder, learned Advocate, adopted the submissions of Mr. Kalyan Banerjee, Learned Senior Advocate on the point of maintainability of the present proceedings. He submitted that even assuming that these proceedings are maintainable in law, his clients tender unconditional apology. They do not try to justify their action and conduct. The incident was unfortunate. They are victims of circumstances. Having participated in the concerned recruitment process

concerning teachers and having been recommended as candidates, their appointment was inordinately delayed by reason of interim orders passed in legal proceedings pending before this Court. They were frustrated, financially insecure and mentally disturbed. They had no intention to dishonour or malign the High Court or any of its judges. They undertake not to conduct themselves in similar manner in the future. They however denied stamping on any judges' photo by foot.

25. Appearing for the informant in CRLCP 5 of 2025, Mr. Partha Sarathi Sengupta, learned Senior Advocate submitted that the informants are not petitioners. Rules of procedure are intended to be handmaid of justice. The dignity and majesty of Court is at stake. The Chief Justice has general power to assign any matter to any Bench in his capacity as Master of Roster. The Rules framed under the Contempt of Courts Act cannot take away that power.

26. Learned Senior Counsel submitted that Section 15 of the Contempt of Courts Act is not an enabling provision. That section is not the source of the High Court's power to punish for contempt. That power originates from Article 215 of the Constitution of India. That general power cannot be curtailed by the Contempt of Courts Act.

27. Referring to Rule 18 of the Calcutta High Court Contempt of Court Rules, 1975, learned Senior Counsel argued that the Chief Justice has the power to assign a 'rule' issued by one bench to another bench if required in the special circumstances of the case. That Rule however does not limit the Chief Justice's power to assign the entire matter to a particular bench like the Chief Justice did in this case. The Chief Justice assigned the entire matter to this bench which issued the Rule suo moto. Under Section 15 of the Contempt of Courts Act, any bench of the High Court can issue Rule suo moto.

28. Learned Counsel submitted that in the present case there is no petition before the court. There are only affidavits of complaint. The Court took cognizance

of the contents of the affidavits as information placed before the Court. It was not that any motion was moved by any person. Had that been the case, the consent of the Advocate General may have been necessary. In this case, the three complaints merely drew the attention of the Chief Justice to the acts of contempt. The Chief Justice assigned the entire matter for consideration by this bench. This bench issued Rule suo moto being prima facie satisfied that the acts and conduct of the alleged contemnors mentioned in the three affidavits of complaint constituted criminal contempt of Court.

29. Referring to the alleged Contemnor No. 8 in CRLCP 7 (Shri Kunal Ghosh), learned Senior Counsel submitted that it not an essential ingredient of criminal contempt that an alleged contemnor must be personally present at the scene where the acts of contempt were committed. He submitted that ‘criminal contempt’ as defined in Section 2 (c) of the Contempt of Courts Act, includes the doing of any Act whatsoever which **tends to scandalise or tends to lower the authority of the Court or tends to interfere with due course of judicial proceeding or tends to interfere with or tends to obstruct the administration of justice in any manner.**

30. Mr. Sengupta, learned Senior Counsel, relied on the following decisions:-

(i) *Biman Basu v. Kallol Guha Thakurta and Anr.*, reported at (2010) 8 SCC 673.

(ii) *Prashant Bhushan & Anr, In Re...Alleged Contemnors*, reported at (2021) 1 SCC 745.

(iii) *Shanmugam @ Lakshminarayanan v. High Court of Madras* reported at 2025 SCC OnLine SC 1011.

(iv) *Pritam Pal v. High Court of Madhya Pradesh, Jabalpur through Registrar*, reported at 1993 Supp (1) SCC 529.

(v) *Mrs. Damayanti G. Chandiramani v. S. Vaney, reported at AIR 1966 BOM 19.*

(vi) *Bal Kishan Giri v. State of Uttar Pradesh, reported at (2014) 7 SCC 280.*

(vii) *Vishram Singh Raghubanshi v. State of Uttar Pradesh, reported at (2011) 7 SCC 776.*

31. Mr. Ritzu Ghosal, learned Senior Counsel appearing for the informant in CRLCP 7 of 2025 submitted that the impugned conduct of the alleged contemnors clearly amounted to criminal contempt. He submitted that the High Court has inherent power to punish for Contempt of Court. Procedural technicalities do not matter. Section 15 of the Contempt of Courts Act does not stand in the way of the High Court exercising such inherent jurisdiction to uphold the majesty and dignity of the Court.

32. Mr. Ghosal further submitted that Section 15 of the 1971 Act does not specify the basis or the source of information on which the High Court can act on its own motion. If the High Court is directly moved by a private person feeling aggrieved, not being the Advocate General, the High Court has, in such a situation, a discretion to refuse to entertain the petition, or to take cognizance on its own motion on the basis of the information supplied to it in that petition. If the petitioner is a responsible member of the legal profession, the Court may act suo moto, more so, if the petitioner – Advocate, as in the instant case, prays that the Court should act suo moto. The whole object of prescribing the procedural modes of taking cognizance in Section 15 of the 1971 Act is to safeguard the valuable time of the High Court or the Supreme Court from being wasted by frivolous complaints of Contempt of Court.

In this connection Mr. Ghosal relied on the decisions in:-

(i) *Surendranath Banerjea v. The Chief Justice and Judges of the High Court of Bengal*, reported at 10 Indian Appeals 171.

(ii) *Gilbert Ahnee and Ors v. Director of Public Prosecutions*, reported at (1999) 2 Appeal Cases 294.

(iii) *S.K. Sarkar, Member, Board of Revenue, U.P., Lucknow v. Vinay Chandra Misra*, reported at (1981) 1 SCC 436.

33. Mr. Subhankar Nag, learned Counsel appearing for the Bar Library Club submitted that to ascribe motives to a judge is to sow the seed of distrust in the minds of the public about the administration of justice as a whole and nothing is more pernicious in its consequence than to prejudice the mind of the public against judges of the Court who are responsible for implementing the law. In this connection he relied on the decision in ***J.R. Parashar, Advocate and Ors v. Prasant Bhushan, Advocate and Ors*, reported at (2001) 6 SCC 735.**

34. Mr. Nag further submitted that the Courts are obliged not only to protect the dignity of the Court and uphold its majesty, but also to extend the umbrella of protection to all the limbs of administration of justice and advocates, while discharging their professional duties, also play a pivotal role in the administration and dispensation of justice. It is, therefore, the duty of the courts to protect the advocates from being threatened by interested parties and such threats amount to criminal contempt since they interfere with administration of justice. In this connection learned Counsel relied on the decisions in ***Telhara Cotton Ginning Co. Ltd. v. Kashinath Gangadhar Namjoshi*, reported at AIR 1940 Nag 110** and ***H. Syama Sundara Rao v. Union of India and Ors*, reported at 2006 SCC Online Delhi 1392.**

35. Appearing for Incorporated Law Society, Mr. Mukul Lahiri, learned Senior Counsel drew our attention to paragraphs 12 to 15 of the affidavit filed by his client, which read as follows: -

“12. On 28/02/2025, Sri Kunal Ghosh, a member of the ruling political dispensation in the State of West Bengal was found to lead a procession and demonstration from Dharmatala to this Hon'ble Court and he openly threatened the Hon'ble Justice Biswajit Basu. The procession and demonstration was adjoining the main building of this Hon'ble Court and he was accompanying a large group of persons claiming to be such candidates who had been deprived employment by reason of the litigations. Such incident was caught in the camera. In fact, various news channels had aired such meeting of Sri Kunal Ghosh which he held with the protestors. The said Sri Kunal Ghosh had in fact led a procession on that day to protest against the appearance and argument of Sri Bikash Ranjan Bhattacharyya, Senior Advocate of this Hon'ble Court who had been the lead counsel in the matters of education scam against the alleged rampant illegalities conducted in the recruitment process. Such conduct of meeting, sit in demonstration and protest carried on by Sri Ghosh with protestors was a direct threat and aggravated act of criminal contempt of this Hon'ble Court. The procession and sit in demonstration was aimed at hindering the smooth administration of justice.

13. On the fateful day as involved in this proceeding, the hearing of the case in relation to the recruitment process was being conducted in Court Room No. 17 of the Main Building. Surprisingly a huge assembly of persons in an unruly manner went on hurling abusive language on the corner of Old Post Office Street near the Assembly and also on Old Post Office Street protesting against the carriage of judicial proceedings. In fact, a procession was taken out by such large number of persons constituting an unlawful assembly between 3.15 p.m. and 4 p.m.

approximately with shouting of slogans and hurling of abuses with derogatory remarks against the Hon'ble Judge in Court Room No. 17 taking up the matters, concerned on that day and also against the learned counsels who were participating in the hearing challenging the recruitment process. The hurling of abusive language was audible from the Main Building itself.

14. On the same day, at around the same time [3: 15 PM to 4 PM] the crowd assembled near Gate No. F of the Hon'ble Court which is visible from the wooden corridor of the Main Building connecting Bar Association Room Nos. 1 and 2 with Court Room Nos. 11 and 12. The crowd shouted abuses and slogans from Old Post Office Street, abusing the Hon'ble Judge who was hearing the concerned matters of recruitment scam on that date and also abused Sri Bikash Ranjan Bhattacharyya who was conducting the case. There was a clear threat to the judiciary and a well calculated onslaught by criminal intimidation to prevent free and fair justice to be dispensed.

15. There was a huge assembly of persons, in belligerent and violent manner who had hurled abuses at the Hon'ble Judge, desecrated the photographs of the Hon'ble Judge of this Court, trampled on photos of the Hon'ble Judge, hurled abuses and made procession on the stretch between the West Bengal Legislative Assembly and up to a portion of Kiran Shankar Roy Road (City Civil Court Building). It has been aired and shown in electronic and social media all along that the unlawful assembly and procession was being carried on just outside this Hon'ble Court's Main Building for a stretch of about 5-6 hours at least and in various spells. The crowd had made arrangement for sit in demonstration on Kiran Shankar Roy Road and Old Post Office Street by

bringing in huge tarpaulins and even the chambers of the learned advocates on Kiran Shankar Roy Road were sought to be attacked and vandalized and the modesty of the learned lady advocates appearing in the matters challenging the recruitment process were sought to be outraged by threat and violence, in the night. There was thus a clear and calculated effort to prevent the carriage of justice to be done in this Hon'ble Court, without any fear and hindrance.”

36. Mr. Lahiri then submitted that the purported apology tendered by the alleged contemnors should not be accepted. An apology must be articulately sincere and unconditional. It must not be a second line of defence if justification fails.

Court's view

37. To start with, let us note the definition of criminal contempt in Section 2 (c) of the Contempt of Courts Act, 1971 :-

““criminal contempt” means the 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—

(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 proceeding; or

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

38. Sections 14 and 15 of the of the 1971 Act should also be noticed since referring to the said provisions, learned Counsel for the alleged contemnors challenged the maintainability of the present proceedings:-

“14. Procedure where contempt is in the face of the Supreme Court or a High Court.—

(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall—

(a) cause him to be informed in writing of the contempt with which he is charged;

(b) afford him an opportunity to make his defence to the charge;

(c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and

(d) make such order for the punishment or discharge of such person as may be just.

(2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof.

(3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in

pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case.

(4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify: Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court: Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid.

15. Cognizance of criminal contempt in other cases.—

(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by—

- (a) the Advocate-General, or
- (b) any other person, with the consent in writing to the Advocate-General, or
- (c) in relation to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official

Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer.

(2) In the case of any criminal contempt of a subordinate court, the High Court may take action on a reference made to it by the subordinate court or on a motion made by the Advocate-General or, in relation to a Union territory, by such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) Every motion or reference made under this section shall specify the contempt of which the person charged is alleged to be guilty.

Explanation.—

In this section, the expression “Advocate-General” means—

- (a) in relation to the Supreme Court, the Attorney-General or the Solicitor-General;
- (b) in relation to the High Court, the Advocate-General of the State or any of the States for which the High Court has been established;
- (c) in relation to the Court of a Judicial Commissioner, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.”

39. Two issues arise for our consideration. Firstly, whether the present proceedings, initiated suo moto by the Court, are maintainable in law? Secondly, if the proceedings are maintainable, whether or not the alleged contemnors are guilty of committing criminal contempt of this Court?

40. The issue of maintainability has been argued at some length by Mr. Bandopadhyay, learned Senior Counsel, representing alleged contemnor no. 8, Shri Kunal Ghosh. According to learned Senior Counsel, the present proceedings have not been initiated suo moto by the Court but have been initiated on the basis of petitions made by three persons. In other words, three persons namely Amitava

Ghosh, Tapas Maity and Tisha Guha were instrumental in initiation of the present contempt proceedings. Therefore, prior consent of the Advocate General was necessary in terms of Section 15 of the 1971 Act.

41. It was secondly argued by Mr. Bandopadhyay that on a conjoint reading of Rules 16 and 18 of the Calcutta High Court Contempt of Courts Rules, 1975, all petitions presented under Section 15 of the 1971 Act shall be moved before the bench presided over by the Chief Justice or by such other bench as the Chief Justice may from time to time appoint. The Chief Justice cannot assign the entire case to another Bench. He can only assign a rule for being heard by another Judge or Bench. In the present case, the transfer of the entire matter by the Chief Justice to another Bench was legally not tenable. That other Bench did not have the jurisdiction to issue Rule or hear the matter.

42. We do not find any merit in either of these contentions.

43. Firstly, no contempt petition was filed by any party before the Chief Justice's Bench. Three complaints in the form of affidavit were filed. There were no prayer in the said affidavits excepting a prayer that this Court may take suo moto cognizance of the acts of contempt committed by the alleged contemnors. Rule was issued by us not on the basis of submission made on behalf of the three complainants but on the basis of information placed before us by way of the three complaints in the form of affidavit. It is an entirely different thing that we invited learned Advocates for the informants and the 3 wings of the Bar, to assist us on behalf of the informants after issuance of the Rule.

44. Mr. Bandopadhyay relied on ***Biman Basu v. Kallol Guha Thakurata, supra***. In particular, learned Counsel relied on paragraphs 24 to 28 of the reported decision which read as follows:-

“24. The High Court in the present case rested its conclusion relying on averments made in the petition stating that “even a suo motu contempt

proceedings may be initiated” at the instance of the petitioners “on going through the newspapers”. Be it noted that there is no prayer in the contempt petition filed by the respondents to initiate suo motu proceedings. We are unable to sustain the finding of the High Court in this regard for the same is not supported by any material available on record. The order dated 17-10-2003 and the rule issued in clear and categorical terms reflects that law was set in motion exclusively based on the averments made in the petition and the affidavit of verification filed in support of the petition and the arguments of the counsel. There is nothing on record suggesting that the contents of the petition were treated as information placed before the Court for initiating the contempt proceedings suo motu by the Court. The contents of the petition of the respondents, their affidavit of verification dated 13-10-2003, the exhibits and annexures to the said petition and the arguments of the counsel alone constituted the foundation, based on which the law was set in motion. The petition itself is not styled as any piece of information that was placed before the Court for its consideration. It is not a case where the High Court refused to entertain the petition and took cognizance on its own motion on the basis of the information supplied to it in the petition. The record does not bear any such proceedings of the Court. Had it been so, the respondents would have been nowhere in the picture.

25. It is true that any person may move the High Court for initiating proceedings for criminal contempt by placing the facts constituting the commission of criminal contempt to the notice of the Court. But once those facts are placed before the Court, it becomes a matter between the Court and the contemner. But such person filing an application or petition does not become a complainant or petitioner in the proceeding.

His duty ends with the facts being placed before the Court. The Court may in appropriate cases in its discretion require the private party or litigant moving the Court to render assistance during the course of the proceedings. In *D.N. Taneja v. Bhajan Lal* [(1988) 3 SCC 26:1988 SCC (Cri) 546] this Court observed that: (SCC p. 32, para 12)

“12. ... A contempt is a matter between the court and the alleged contemner. Any person who moves the machinery of the court for contempt only brings to the notice of the court certain facts constituting contempt of court. After furnishing such information he may still assist the court, but it must always be borne in mind that in a contempt proceeding there are only two parties, namely, the court and the contemner.”

Thus the person bringing the facts constituting contempt to the notice of the Court can never be a party to the lis nor can join the proceedings as a petitioner. Similar is the view taken by this Court in *State of Maharashtra v. Mahboob S. Allibhoy* [(1996) 4 SCC 411 : 1996 SCC (Cri) 675] .

26. In *Om Prakash Jaiswal v. D.K. Mittal* [(2000) 3 SCC 171] this Court held that: (SCC pp. 178-79, para 17)

“17. ... the jurisdiction to initiate proceedings [for] contempt as also the jurisdiction to punish for contempt in spite of a case of contempt having been made out are both discretionary with the court. Contempt generally and criminal contempt certainly is a matter between the court and the alleged contemner. No one can compel or demand as of right initiation of proceedings for contempt. Certain principles have emerged.”

27. It was further observed: (Om Prakash case [(2000) 3 SCC 171] , SCC p. 179, para 17)

“17. ... Source of initiation of contempt proceedings may be suo motu, on a reference being made by the Advocate General or any other person with the consent in writing of the Advocate General or on reference made by a subordinate court in case of criminal contempt. A private party or a litigant may also invite the attention of the court to such facts as may persuade the court in initiating proceedings for contempt. However, such person filing an application or petition before the court does not become a complainant or petitioner in the proceedings. He is just an informer or relator. His duty ends with the facts being brought to the notice of the court. It is thereafter for the court to act on such information or not to act though the private party or litigant moving the court may at the discretion of the court continue to render its assistance during the course of proceedings.” (emphasis supplied)

28. In the case in hand, it is evident from the record, the respondents were continued to be shown as the petitioners in the contempt case before the High Court and participated throughout as if they were prosecuting the appellant. There is no order reflecting that the Court having taken note of the information made before it, initiated suo motu proceedings on the basis of such information furnished and required the respondents only to assist the Court till the disposal of the matter. On the contrary, the respondents are shown as the petitioners in the contempt case before the High Court. It is thus clear, it is the respondents who initiated the proceedings and continued the same but

without the written consent of the Advocate General as is required in law. The proceedings, therefore, were clearly not maintainable.”

45. In the Supreme Court decision, on facts it was found that there was nothing on record to suggest that the contents of the petition were treated as information placed before the Court for initiation of proceedings suo moto by the Court. In the present case, treating the contents of the three affidavits as information, this Court initiated suo moto contempt proceedings against the alleged contemnors. With great respect to learned Senior Counsel, the said decision does not help his argument in the present case. There is no petition in this case. This Court considered the information placed before it by way of three affidavits of complaint and issued Rule suo moto. There is very much a prayer in each of the affidavits of complaint to initiate suo moto proceedings. Factually the decision in **Biman Basu, (Supra)** is completely distinguishable from the facts of the present case.

46. It is also recognised in **Biman Basu** (Para 25 of the judgment) that the Court may in appropriate cases in its discretion require the private party or litigant moving the Court to render assistance during the course of the proceedings. Hence, this Court was justified in requesting learned lawyers for the deponents of the three affidavits and learned advocates representing the 3 wings of the Bar to advance argument before us.

47. In this connection we may note the decision of the Hon’ble Supreme Court in **S.K. Sarkar, Member, Board of Revenue, U.P., Lucknow v. Vinay Chandra Misra, (Supra)**. Paragraphs 8, 15 and 19 of the judgment may be noticed:-

“8. A preliminary objection was taken by the appellant before the High Court, that the latter was not competent to take cognizance of the contempt alleged to have been committed in the petition moved by Shri Misra without any reference from the subordinate court or without a motion by the Advocate-General. Reliance in this connection was placed

on sub-section (2) of Section 15 of the Act. The High Court rejected this preliminary objection with these observations:

“Since Article 215 (of the Constitution) states that every High Court shall be a Court of record and shall have all the powers of such a court, it follows that through that Article the Constitution preserved to the High Courts its power as a Court of record to punish contempt of subordinate courts. No doubt a special reference is made in Article 215 to the power of the High Court to punish contempt of itself. That has only been done to emphasise that particular power of the High Court. The aforesaid words do not exclude what the preceding part of Article 215 preserves to or confers on the High Court....

The result of incorporating Article 215 in the Constitution is that the power of every High Court as a Court of record to punish contempt of the “subordinate courts now carries a constitutional sanction behind it and that the power cannot be done away with except through an amendment of the Constitution.

.... Section 2 of the 1926 Act and Section 3 of the 1952 Act do not confer any new power but recognise the power that a High Court already possesses as a Court of record; it can be said with equal force about Section 10 of the 1971 Act that it does not confer any new jurisdiction in the High Court but only recognised the jurisdiction which was initially inherent in every High Court as a Court of record and which now has the sanction of the Constitution behind it by virtue of Article 215.

If Section 15, sub-section (2) is interpreted to mean that a High Court cannot take cognizance of the contempt committed of a

subordinate court, whether committed by the court itself or by a stranger, except in one of the modes specified therein it can lead to anomalous results....

... Interpreting sub-section (2) of Section 15 in that manner would be inconsistent with Section 10 of the Act and shall be violative of the powers of this Court as a Court of record, which powers now carry constitutional sanction by virtue of Article 215 of the Constitution.

... Section 10 of 1971 Act explicitly states that every High Court shall have and exercise the same jurisdiction, power and authority in accordance with the same procedure and practice in respect of the contempt of courts subordinate to it as it has and exercises in respect of contempt of itself....”

15. Articles 129 and 215 preserve all the powers of the Supreme Court and the High Court, respectively, as a Court of record which include the power to punish the contempt of itself. As pointed out by this Court in *Mohd. Ikram Hussain v. State of U.P.* [AIR 1964 SC 1625 : (1964) 5 SCR 86 : (1964) 2 Cri LJ 590] there are no curbs on the power of the High Court to punish for contempt of itself except those contained in the Contempt of Courts Act. Articles 129 and 215 do not define as to what constitutes contempt of court. Parliament has, by virtue of the aforesaid entries in List I and List III of the Seventh Schedule, power to define and limit the powers of the courts in punishing contempt of court and to regulate their procedure in relation thereto. Indeed, this is what is stated in the preamble of the Act of 1971.

19. It is, however, to be noted that Section 15 does not specify the basis or the source of information on which the High Court can act on its own

motion. If the High Court acts on information derived from its own sources, such as from a perusal of the records of a subordinate court or on reading a report in a newspaper or hearing a public speech, without there being any reference from the subordinate court or the Advocate-General, it can be said to have taken cognizance on its own motion. But if the High Court is directly moved by a petition by a private person feeling aggrieved, not being the Advocate-General, can the High Court refuse to entertain the same on the ground that it has been made without the consent in writing of the Advocate-General? It appears to us that the High Court, has, in such a situation, a discretion to refuse to entertain the petition, or to take cognizance on its own motion on the basis of the information supplied to it in that petition. If the petitioner is a responsible member of the legal profession, it may act suo motu, more so, if the petitioner-advocate, as in the instant case, prays that the court should act suo motu. The whole object of prescribing these procedural modes of taking cognizance in Section 15 is to safeguard the valuable time of the High Court or the Supreme Court from being wasted by frivolous complaints of contempt of court. If the High Court is prima facie satisfied that the information received by it regarding the commission of contempt of a subordinate court is not frivolous, and the contempt alleged is not merely technical or trivial, it may, in its discretion, act suo motu and commence the proceedings against the contemner. However, this mode of taking suo motu cognizance of contempt of a subordinate court, should be resorted to sparingly where the contempt concerned is of a grave and serious nature. Frequent use of this suo motu power on the information furnished by an incompetent petition, may render these procedural safeguards provided in sub-

section (2), otiose. In such cases, the High Court may be well advised to avail of the advice and assistance of the Advocate-General before initiating proceedings. The advice and opinion, in this connection, expressed by the Sanyal Committee is a pertinent reminder:

“In the case of criminal contempt, not being contempt committed in the face of the Court, we are of the opinion that it would lighten the burden of the court, without in any way interfering with the sanctity of the administration of justice, if action is taken on a motion by some other agency. Such a course of action would give considerable assurance to the individual charged and the public at large. Indeed, some High Courts have already made rules for the association of the Advocate-General in some categories of cases at least. . .the Advocate-General may, also, move the court not only on his own motion but also at the instance of the court concerned...”.”

[Emphasis added]

We, therefore see that even when a private person moves a petition for initiation of contempt proceedings without the consent of the Advocate General, the Court has a discretion whether or not to accept such petition. This is because the rules of procedure have been engrafted in the statute to save court’s time and warding off frivolous and motivated contempt petitions filed to settle private scores.

48. Further, in paragraph 13 of ***Shanmugam @ Lakshminarayanan v. High Court of Madras, Supra***, the Hon’ble Supreme Court observed as follows: -

“13. A three Judge Bench of this Court in “*Pallav Sheth*” (supra) has held thus:

“30. There can be no doubt that both this Court and High Courts are courts of record, and the Constitution has given them the powers to punish for contempt. The decisions of this Court clearly

show that this power cannot be abrogated or stultified. But if the power under Article 129 and Article 215 is absolute, can there be any legislation indicating the manner and to the extent that the power can be exercised? If there is any provision of the law which stultifies or abrogates the power under Article 129 and/or Article 215, there can be little doubt that such law would not be regarded as having been validly enacted. It, however, appears to us that providing for the quantum of punishment or what may or may not be regarded as acts of contempt or even providing for a period of limitation for initiating proceedings for contempt cannot be taken to be a provision which abrogates or stultifies the contempt jurisdiction under Article 129 or Article 215 of the Constitution.”

49. We should also take note of the decision of the Hon’ble Supreme Court in ***Pritam Pal v. High Court of Madhya Pradesh, Jabalpur through Registrar, (Supra)***. Paragraphs 15 and 41 of the judgment read as follows:-

“15. Prior to the Contempt of Courts Act, 1971, it was held that the High Court has inherent power to deal with a contempt of itself summarily and to adopt its own procedure, provided that it gives a fair and reasonable opportunity to the contemnor to defend himself. But the procedure has now been prescribed by Section 15 of the Act in exercise of the powers conferred by Entry 14, List III of the Seventh Schedule of the Constitution. Though the contempt jurisdiction of the Supreme Court and the High Court can be regulated by legislation by appropriate legislature under Entry 77 of List I and Entry 14 of List III in exercise of which the Parliament has enacted the Act of 1971, the contempt jurisdiction of the Supreme Court and the High Court is given a constitutional foundation by declaring to be ‘Courts of Record’ under

Articles 129 and 215 of the Constitution and, therefore, the inherent power of the Supreme Court and the High Court cannot be taken away by any legislation short of constitutional amendment. In fact, Section 22 of the Act lays down that the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law relating to contempt of courts. It necessarily follows that the constitutional jurisdiction of the Supreme Court and the High Court under Articles 129 and 215 cannot be curtailed by anything in the Act of 1971. The above position of law has been well settled by this Court in Sukhdev Singh Sodhi v. Chief Justice and Judges of the PEPSU High Court [(1953) 2 SCC 571 : 1954 SCR 454 : AIR 1954 SC 186 : 1954 Cri LJ 460] holding thus: (SCR p. 463)

“In any case, so far as contempt of a High Court itself is concerned, as distinct from one of a subordinate court, the Constitution vests these rights in every High Court, so no Act of a legislature could take away that jurisdiction and confer it afresh by virtue of its own authority.”

41. The position of law that emerges from the above decisions is that the power conferred upon the Supreme Court and the High Court, being Courts of Record under Articles 129 and 215 of the Constitution respectively is an inherent power and that the jurisdiction vested is a special one not derived from any other statute but derived only from Articles 129 and 215 of the Constitution of India (See D.N. Taneja v. Bhajan Lal [(1988) 3 SCC 26 : 1988 SCC (Cri) 546]) and therefore the constitutionally vested right cannot be either abridged by any legislation or abrogated or cut down. Nor can they be controlled or limited by any statute or by any provision of the Code of Criminal Procedure or any

Rules. The caution that has to be observed in exercising this inherent power by summary procedure is that the power should be used sparingly, that the procedure to be followed should be fair and that the contemnor should be made aware of the charge against him and given a reasonable opportunity to defend himself.” [Emphasis added]

50. It may also be noted that in CRLCP 5 of 2025 and CRLCP 6 of 2025, the deponent of the affidavits have been described as ‘informants’ in the various orders recorded by this Court. However, the deponent in CRLCP 7 of 2025 has been described as ‘petitioner’ in the said orders. This in our opinion, is in-advertent and in any event nothing turns on such description. This Court always treated the deponent of the affidavit in CRLCP 7 of 2025 as an informant and not as a petitioner.

51. Coming to the second limb of Mr. Bandopadhyay’s argument on maintainability of these proceedings, we should note Rules 16 and 18 of the Calcutta High Court Contempt of Courts Rules, 1975, which read as follows:-

“16. All petitions presented by the Advocate-General and all petitions presented by any other person under section 15 of the Act shall be moved before the Bench presided over by the Chief Justice or by such other Bench as the Chief Justice may from time to time appoint.

All matters relating to contempt of subordinate courts, brought or coming to the notice of this Court shall be dealt with by the Bench presided over by the Chief Justice or by such other Bench as the Chief Justice may from time to time appoint.

18. Notwithstanding anything contained in Rules 15 to 17 above, the Chief Justice may assign a rule for hearing before another Judge or Bench if required in the special circumstances of the case or if the Judge or the Bench reports or report to the Chief Justice for so doing.”

52. On a bare reading of the aforesaid Rules, we see that the Chief Justice has a complete discretion as to whether or not to hear a contempt proceeding, whether initiated suo moto or at the instance of a private party, or to assign the matter to any other Bench. In the present case, the Chief Justice's Bench could have chosen to issue a Rule suo moto treating the affidavits of complaint as information placed before that Bench and thereafter could have assigned the Rule to us or any other Bench for hearing and disposal. However, the Hon'ble Chief Justice in his administrative capacity, chose to assign the entire matter to this Bench for taking appropriate action "to protect the image of the Judiciary from scurrilous and baseless allegations". The Hon'ble Chief Justice was well within his powers to do so. There is nothing in Rules 16 and 18 of the 1975 Rules of this Court which prevented the Chief Justice from adopting the course of action that His Lordship did. We are unable to read Rules 16 and 18 in a manner as Mr. Bandopadhyay would like us to read and hold that assignment of the matter by the Chief Justice to this Bench was contrary to the 1975 Rules. Having been given seisin of the entire matter from the very inception, this Bench was and is fully competent and within its jurisdiction to issue the Rule suo moto and carry the same to its logical conclusion.

53. We must not forget that it is not the Contempt of Courts Act 1971, far less the Rules framed thereunder, which vests power in this Court to punish for its contempt. This is an inherent right that this Court always had, especially as a Court of Record. Article 215 of the Constitution of India merely gave recognition to such inherent right to punish for contempt. Procedural technicalities cannot in any manner curtail or abridge or restrict the inherent jurisdiction of this Court to punish for Contempt of Court to uphold the majesty and dignity of the Court. In any event, as we have opined, there has been no infraction of the 1975 Rules in the present case.

54. The objection of the alleged contemnor no. 8 to the maintainability of these proceedings, the arguments in support whereof were adopted by learned Counsel for the other alleged contemnors, is therefore, overruled. The question then arises as to whether or not the acts and conduct of the alleged contemnors and the words they spoke amount to criminal contempt of this Court. Before expressing our opinion on this issue it would be helpful to notice the ambit of the High Court's jurisdiction to punish for criminal contempt, as expounded by the Hon'ble Supreme Court in various cases.

55. In ***Sahdeo @ Sahdeo Singh v. State of U.P. & Ors., Supra***, paragraph 20 of the judgement reads as follows:-

"20. In view of the above, the law can be summarised that the High Court has a power to initiate the contempt proceedings suo motu for ensuring the compliance of the orders passed by the Court. However, contempt proceedings being quasi-criminal in nature, the same standard of proof is required in the same manner as in other criminal cases. The alleged contemnor is entitled to the protection of all safeguards/rights which are provided in the Criminal Jurisprudence, including the benefit of doubt. There must be a clear-cut case of obstruction of administration of justice by a party intentionally to bring the matter within the ambit of the said provision. The alleged contemnor is to be informed as what is the charge, he has to meet. Thus, specific charge has to be framed in precision. The alleged contemnor may ask the Court to permit him to cross-examine the witnesses i.e. deponents of affidavits, who have deposed against him. In spite of the fact that contempt proceedings are quasi-criminal in nature, provisions of Code of Criminal Procedure, 1973 (hereinafter called, "Cr.P.C.") and Evidence Act are not attracted for the reason that proceedings have to be concluded expeditiously. Thus, the

trial has to be concluded as early as possible. The case should not rest only on surmises and conjectures. There must be clear and reliable evidence to substantiate the allegations against the alleged contemnor. The proceedings must be concluded giving strict adherence to the statutory Rules framed for the purpose.”

56. In *M.B. Sanghi, Advocate v. High Court of Punjab and Haryana & Ors, reported at (1991) 3 SCC 600*, the appellant, a practising advocate, having failed to persuade the learned Subordinate Judge to grant an ad interim injunction pending filing of a counter by the opposite party, made certain derogatory remarks against the learned Judge who instead of succumbing to such unprofessional conduct made a record of the derogatory remarks and forwarded the same to the High Court through the District Judge to initiate proceedings for Contempt of Court against the appellant. The High Court, holding that the remarks made on the learned Sub Judge, are disparaging in character and derogatory to the dignity of the judiciary, found the appellant guilty under Section 2(c)(i) of the Contempt of Courts Act. The appellant, while denying having made such remarks, offered an unqualified apology. The High Court without accepting the apology punished the appellant with a fine of Rs. 1000/-. Ahmadi J. in his separate judgment observed as follows:-

“The tendency of maligning the reputation of judicial officers by disgruntled elements who fail to secure the desired order is ever on the increase and it is high time it is nipped in the bud. And, when a member of the profession resorts to such cheap gimmicks with a view to browbeating the judge into submission, it is all the more painful. When there is a deliberate attempt to scandalise which would shake the confidence of the litigating public in the system, the damage caused is not only to the reputation of the concerned judge but also to the fair

name of the judiciary. Veiled threats, abrasive behaviour, use of disrespectful language and at times blatant condemnatory attacks like the present one are often designedly employed with a view to taming a judge into submission to secure a desired order. Such cases raise larger issues touching the independence of not only the concerned judge but the entire institution. 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 officers with impunity. It is high time that we realise that the 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.”

57. We may also take note of a decision of the Bombay High Court in ***Mrs. Damayanti G. Chandiramani v. S. Vaney, Supra.*** Paragraphs 18 to 20, 22 and 27 of the judgment may be noted:-

“18. The view taken by the Nagpur High Court has been endorsed by the Allahabad, Madras and Lahore High Courts. In *Rajendra Singh v. Uma Prasad* [(1934) I.L.R. 57 All. 573.] during the pendency of the suit a notice was sent on behalf of the plaintiff through his advocate to the defendant, threatening him that unless he withdrew the plea and paid a certain sum as damages he would be criminally prosecuted for defamation of the plaintiff's deceased father. Proceedings for contempt were taken out on this notice. It was held:

“Interference with the administration of justice is one of the well recognized heads of contempt of Court. In the present case the notice was undoubtedly intended to put extraneous pressure on the

defendant in order to compel him, under threat of drastic action being taken against him, to withdraw the plea which had been taken by him specifically in the written statement. It amounted to a direct interference with the administration of justice in preventing or attempting to prevent the defendant from pressing the plea, which might prove to be a very substantial and legitimate defence; and in that way an indirect attempt was made to exclude that plea from the consideration of the court”.

19. In the course of the judgment, the learned Judges relied upon the decision in *Smith v. Lakeman* [(1856) 26 L.J. Ch. 305.] in which an unsigned letter had been sent by the plaintiff to the defendant with a view to intimidating him in the conduct of his defence. The letter warned the defendant that he had a suit pending in Chancery and should it go up for judgment, he would at once be indicted for swindling, perjury and forgery and thus bring disgrace on his family. It was not mentioned who would start such prosecution, but the threat was that certain legal action in Court would be taken if the matter was pressed to final conclusion. Stuart, V.C., in committing the plaintiff for contempt remarked that the letter amounted to a threat for the purpose of intimidating him as a suitor, and therefore, whether it had that effect or not, was unquestionably a contempt of Court. It would be clear from the above decisions that a piece of conduct intended or calculated to bring pressure upon a party, which must necessarily include his advocate, not to pursue the matter according to his choice, would amount to an attempt to interfere with the administration of justice. Secondly, the threat need not be direct, in the sense that the contemner specifically asserted that he would take such action. It is sufficient if the context showed that the

action contemplated was the action of the contemner himself. A similar question arose in *Thirumalaiappa v. Kumaraswami* [[1956] A.I.R. Mad. 621.]. The Madras High Court referred to the leading case of *French v. French* [(1824) 1 Hog. 138.], which formed the basis of the statement on this subject contained in Oswald's Contempt of Court. The passage in Oswald (part of which has already been quoted) runs thus:

“An insult to counsel may be punished as a contempt. All publications which offend against the dignity of the Court, or are calculated to prejudice the course of justice, will constitute contempts. Offences of this nature are of three kinds, namely, those which (1) scandalise the Court, or (2) abuse the parties concerned in causes there, or (3) prejudices mankind against persons before the cause is heard. Under the first head fall libels on the integrity of the Court, its Judges, officers or proceedings; under the second and third heads anything which tends to excite prejudice against the parties or their litigation, while it is pending. For example, attacks on or abuse of a party, not amounting to an interference with the course of justice, does not amount to contempt, the party being left to his remedy by action.”

20. In *French v. French* an insult was given to a counsel while he was attending in the Master's office, which was situated within the precincts of the Court, it was held (p. 623):

“...Advocates who appear for the parties being officers of Court, any abuse or insult or aspersions cast on them, which would interfere with the course of administration of justice, must necessarily be held to amount to contempt of Court”.

22. In *Nand Lal Bhalla v. Kishori Lal* [(1946) 48 Cr. L.J. 757.], the Inspector of Police issued threats and used insulting language towards an advocate. It was held that the advocate was threatened in the performance of his duties, and although there was no contempt of the Court directly, there was contempt inasmuch as an officer of the Court such as an advocate appearing in his professional capacity was threatened and insulted while in the performance of his professional duties in the Court.

27. The law on this question has been clarified in a recent judgment of the Supreme Court in *Pratap Singh v. Gurbaksh Singh* [[1962] A.I.R. S.C. 1172.]. In that case, after citing the passage from *Oswald's Contempt of Court*, which has already been quoted by us above, their Lordships referred to the facts of the case and observed that although departmental proceedings were started against the officer in accordance with the directions contained in the circular still the launching of these proceedings would have a deterring effect upon the officer, who had already filed a suit to ventilate his grievances. At page 1177, their Lordships observed:

“...What would be the effect of these proceedings on the suit which was pending in the Court of the Senior Subordinate Judge, Amritsar? From the practical point of view, the institution of the proceedings at a time when the suit in the Court of the Senior Subordinate Judge, Amritsar, was pending could only be to put pressure on the respondent to withdraw his suit, or face the consequences of disciplinary action. This, in our opinion, undoubtedly amounted to contempt of Court. There are many ways of obstructing the Court and ‘any conduct by which the course of

justice is perverted, either by a party or a stranger, is a contempt; thus the use of threats, by letter or otherwise, to a party while his suit is pending; or abusing a party in letters to persons likely to be witnesses in the cause, have been held to be contempts'. ...The question is not whether the action in fact interfered, but whether it had a tendency to interfere with the due course of justice. The action taken in this case against the respondent by way of a proceeding against him can, in our opinion, have only one tendency, namely, the tendency to coerce the respondent and force him to withdraw his suit or otherwise not press it. If that be the clear and unmistakable tendency of the proceedings taken against the respondent, then there can be no doubt that in law the appellants have been guilty of contempt of Court, even though they were merely carrying out the instructions contained in the circular letter".” [Emphasis added]

58. In a decision of the Delhi High Court in the case of ***H. Syama Sundara Rao v. Union of India and Ors, Supra***, in paragraphs 1, 19 and 31 of the judgment, the Court observed as follows:-

“1. The present proceedings for contempt have been initiated against the petitioner, who appears in person, pursuant to our orders dated 5th October, 2006. In the course of proceedings held on the said date, Mr. B.L. Wall, learned counsel appearing for respondent Nos. 3 and 4 drew our attention to a notice dated 28th April, 2006 issued by the petitioner, Mr. H. Syama Sundara Rao to Mr. Wali. In the said notice, the petitioner levelled a series of allegations against the counsel for the respondent and cast aspersions on him. The notice issued by the petitioner states that the counsel has made a mockery of the judiciary and the High Court;

has indulged in grave professional misconduct and has deliberately misled the High Court. In the last para of the notice, the petitioner has stated that he gives three days time to the counsel to take corrective steps, failing which the petitioner shall initiate appropriate action against the counsel before the High Court or before the Bar Council of Delhi. On perusal of the aforementioned notice issued by the petitioner, this Court issued a notice to the petitioner to show cause as to why he should not be punished for contempt of Court proceedings for violation of and obstruction of the Courts of Justice. The petitioner was called upon to file his reply within one week and the matter was adjourned to 16th October, 2006.

.....

19. The Courts are under an obligation not only to protect the dignity of the Court and uphold its majesty, but also to extend the umbrella of protection to all the limbs of administration of justice and advocates, while discharging their professional duties, also play a pivotal role in the administration and dispensation of justice. It is thus the duty of the Courts to protect the advocate from being cowed down into submission and under pressure of threat of menace from any quarter and thus abandon their clients by withdrawing pleas taken on their behalf or by withdrawing from the brief itself, which may prove fatal not only to the legal proceeding in question but also permit an impression to gain ground that adoption of such tactics are permissible or even acceptable. Failure to deal with such conduct and nip it in the bud shall result in the justice system itself taking a severe knocking, which tendency must

be put down as it amounts to direct interference with the administration of justice and is, therefore, a contempt of a serious nature.

.....

31. In view of the aforesaid discussion, we are of the view that the petitioner has brought himself within the ambit of contempt of Court and he is accordingly found guilty of criminal contempt of the Court. As regards the quantum of punishment, we have taken into consideration certain relevant factors. As stated above, the apology tendered by the petitioner is not unconditional nor is it supported by bona fide. In fact, it appears to be a sheer afterthought and such an apology from which the petitioner resiled during the course of arguments, is a clear indication of the trend of his mind. As the petitioner is neither penitent nor sincere in tendering the apology, such a hollow apology serves no useful purpose. However, in *view of the act that the* petitioner has pleaded that his wife is a heart patient and needs medical care, by erring on the side of leniency, we award the contemner punishment of simple imprisonment for a period of three days and impose a fine of Rs. 1,000/- on him. We hope that the imposition of the aforesaid punishment shall have a sobering effect on the contemner. This order shall take effect immediately. The contemner, who is present in the Court, shall be taken into custody immediately and he shall be sent to the Tihar Jail to undergo the sentence.” [Emphasis added]

59. In the case of ***Delhi Judicial Service Association, Tis Hazari Court, Delhi v. State of Gujarat and Ors reported at (1991) 4 SCC 406***, a Chief Judicial Magistrate was assaulted, arrested, handcuffed and tied with a thick rope around his arms and body by the police officers as if he was a wild animal. He was

taken in that condition to the hospital for medical examination on the alleged ground that he was drunk. In the hospital he was made to sit in the verandah exposing him to public gaze, providing opportunity to the members of the public to see that the police had the power and privilege to apprehend and deal with a Chief Judicial Magistrate according to its sweet will. In that context, the Supreme Court observed at paragraphs 42 and 43 of the judgment observed as follows:-

“42. The definition of criminal contempt is wide enough to include any act by a person which would tend to interfere with the administration of justice or which would lower the authority of court. The public have a vital stake in effective and orderly administration of justice. The Court has the duty of protecting the interest of the community in the due administration of justice and, so, it is entrusted with the power to commit for contempt of court, not to protect the dignity of the Court against insult or injury, but, to protect and vindicate the right of the public so that the administration of justice is not perverted, prejudiced, obstructed or interfered with. “It is a mode of vindicating the majesty of law, in its active manifestation, against obstruction and outrage.” [Frankfurter J. in Offutt v. U.S. reported (1954) 348 US 11, 14: 99 L ed 11] The object and purpose of punishing contempt for interference with the administration of justice is not to safeguard or protect the dignity of the Judge or the Magistrate, but the purpose is to preserve the authority of the courts to ensure an ordered life in society. In Attorney General v. Times Newspapers reported at (1974) AC 273 @ 302, the necessity for the law of contempt was summarised by Lord Morris as:

“In an ordered community courts are established for the pacific settlement of disputes and for the maintenance of law and order. In

the general interests of the community it is imperative that the authority of the courts should not be imperilled and that recourse to them should not be subject to unjustifiable interference. When such unjustifiable interference is suppressed it is not because those charged with the responsibilities of administering justice are concerned for their own dignity: it is because the very structure of ordered life is at risk if the recognised courts of the land are so flouted and their authority wanes and is supplanted.”

43. The Chief Judicial Magistrate is head of the Magistracy in the district who administers justice to ensure, protect and safeguard the rights of citizens. The subordinate courts at the district level cater to the need of the masses in administering justice at the base level. By and large the majority of the people get their disputes adjudicated in subordinate courts, it is, in the general interest of the community that the authority of subordinate courts is protected. If the CJM is led into trap by unscrupulous police officers and if he is assaulted, handcuffed and roped, the public is bound to lose faith in courts, which would be destructive of basic structure of an ordered society. If this is permitted Rule of Law shall be supplanted by Police Raj. Viewed in this perspective the incident is not a case of physical assault on an individual judicial officer instead it is an onslaught on the institution of the judiciary itself. The incident is a clear interference with the administration of justice, lowering its judicial authority. Its effect was not confined to one District or State, it had a tendency to effect the entire judiciary in the country. The incident highlights a dangerous trend that if the police is annoyed with the orders of a presiding officer of a court, he would be arrested on flimsy manufactured charges, to humiliate him publicly as has been

done in the instant case. The conduct of police officers in assaulting and humiliating the CJM brought the authority and administration of justice into disrespect, affecting the public confidence in the institution of justice. “The summary power of punishment for contempt has been conferred on the courts to keep a blaze of glory around them, to deter people from attempting to render them contemptible in the eyes of the public. These powers are necessary to keep the course of justice free, as it is of great importance to society.” (Oswald on Contempt of Court). The power to punish contempt is vested in the Judges not for their personal protection only, but for the protection of public justice, whose interest requires that decency and decorum is preserved in Courts of Justice. Those who have to discharge duty in a Court of justice are protected by the law, and shielded in the discharge of their duties, any deliberate interference with the discharge of such duties either in court or outside the court by attacking the presiding officers of the court, would amount to criminal contempt and the courts must take serious cognizance of such conduct.” [Emphasis added]

60. In the case Of ***Daroga Singh and Others v. B.K. Pandey reported at (2004) 5 SCC 26***, the Hon’ble Supreme Court observed that in the constitutional scheme the judiciary is entrusted with the task of upholding the Constitution and the laws. Apart from interpreting the Constitution and the laws, the judiciary discharges the function of securing maintenance of law and order by deciding disputes in a manner acceptable to a civilised and peace-loving society. In order to maintain the faith of the society in the rule of law, the role of the judiciary cannot be undermined. In a number of cases the Supreme Court has observed that the foundation of the judiciary is the trust and confidence of the people of the nation and when such foundation or trust is rudely shaken by means of any disrespect,

people's perception of efficacy of the system gets eroded. If the judiciary has to perform its duties and functions in a fair and free manner, the dignity and the authority of the courts have to be respected and maintained at all stages and by all concerned failing which, the very constitutional scheme and public faith in the judiciary runs the risk of being lost.

61. In *Arundhati Roy, In Re reported at (2002) 3 SCC 343*, it was observed that 'Rule of law' is the basic rule of governance of any civilised society. The scheme of the Constitution of India is based upon the concept of rule of law. Everyone, whether individually or collectively, is unquestionably under the supremacy of law. Whoever the person may be, however, high he or she is, no one is above the law notwithstanding how powerful and how rich he or she may be. For achieving the establishment of the rule of law, the Constitution has assigned the special task to the judiciary in the country. It is only through the courts that the rule of law unfolds its contents and establishes its concept. For the judiciary to perform its duties and functions effectively and true to the spirit with which it is sacredly entrusted, the dignity and authority of the courts have to be respected and protected at all costs. The only weapon of protecting itself from the onslaught to the institution is the long hand of contempt of court left in the armoury of judicial repository which, when needed, can reach any neck howsoever high or far away it may be.

Freedom of speech and expression, so far as they do not contravene the statutory limits as contained in the Contempt of Courts Act, are to prevail without any hindrance. However, the maintenance of dignity of courts is one of the cardinal principles of rule of law in a democratic set-up and any criticism of the judicial institution couched in language that apparently appears to be mere criticism but ultimately results in undermining the dignity of the courts, cannot be permitted when found to have crossed the limits and has to be punished. The law of contempt

has been enacted to secure public respect and confidence in the judicial process. If such confidence is shaken or broken, the confidence of the common man in the institution of judiciary and democratic set-up is likely to be eroded which, if not checked, is sure to be disastrous for the society itself.

All citizens cannot be permitted to comment upon the conduct of the courts in the name of fair criticism which, if not checked, would destroy the institution itself. A Litigant losing in the court would be the first to impute motives to the Judges and the institution in the name of fair criticism, which cannot be allowed for preserving public faith in an important pillar of democratic set-up i.e. judiciary. If a citizen, therefore, in the garb of exercising the right of free expression under Article 19(1) of the Constitution, tries to scandalise the Court or undermines the dignity of the Court, then the Court would be entitled to exercise the power under Article 129 or Article 215, as the case may be.

62. In the case of *Prem Surana v. Additional Munsif & Judicial Magistrate and Another reported at 2002 6 SCC 722*, the appellant was an advocate who made scurrilous remarks about a Judge. The Hon'ble Supreme Court observed that the conduct of the appellant does not bespeak of good behaviour, good gesture nor suits an advocate. A Judge has a duty to discharge and he had passed his order in a manner as he thought fit under the circumstances and no litigant, far less an advocate, has any right to take the law into his own hand and then attack a judge with a slap. It is a slur on the entire judiciary; it is a slur on the justice delivery system of the country.

It was further observed that while judges should not be hypersensitive, that does not mean and imply that they ought to maintain angelic silence also. Immaterial it is as to the person but it is the seat of justice which needs protection: it is the image of the judicial system which needs protection. Nobody can be permitted to tarnish the image of the temple of justice. The majesty of the court

shall have to be maintained and there ought not to be any compromise or leniency in that regard.

The introduction of the Contempt of Courts Act, 1971, has been for the purposes of securing a feeling of confidence of the people in general for due and proper administration of justice in the country. Contemptuous conduct and obstruction to the majesty of law is the basic reasoning for which the law-makers thought it prudent to engraft in the statute-book this particular legislation.

The slap on the face of the Judicial Officer is in fact a slap on the face of the justice delivery system in the country and as such, the question of acceptance of any apology or an undertaking does not and cannot arise, nor can there be any question of leniency as regards the sentence.

63. In the case of *Brahma Prakash Sharma and Others v. State of Uttar Pradesh* reported at **AIR 1954 SC 10**, a Constitution Bench of the Hon'ble Supreme Court, while holding that on the facts of that case the contempt proceedings should have been dropped, observed that the summary jurisdiction exercised by superior courts in punishing for contempt of their authority exists for the purpose of preventing interference with the course of justice and for maintaining the authority of law as is administered in the courts. The object of contempt proceedings is not to afford protection to Judges personally from imputations to which they may be exposed as individuals; it is intended to be a protection to the public whose interests would be very much affected if by the act or conduct of any party, the authority of the court is lowered and the sense of confidence which people have in the administration of justice by it is weakened.

A defamatory attack on a Judge may be a libel so far as the Judge is concerned and it would be open to him to proceed against the libeller in a proper action if he so chooses. If, however, the publication of the disparaging statement is

calculated to interfere with the due course of justice or proper administration of law by such court, it can be punished summarily as contempt. One is a wrong done to the Judge personally while the other is a wrong done to the public. It will be an injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the Judge or to deter actual and prospective litigants from placing complete reliance upon the Court's administration of justice, or if it is likely to cause embarrassment in the mind of the Judge himself in the discharge of his judicial duties. It is not necessary to prove affirmatively that there has been an actual interference with the administration of justice by reason of such defamatory statement; it is enough if it is likely, or tends in any way, to interfere with the proper administration of law.

64. In the case of ***E.M. Sankaran Namboodripad v. T. Narayanan Nambiar reported at AIR 1970 SC 2015***, a three Judge Bench of Hon'ble Supreme Court, speaking through the then Chief Justice of the Supreme Court, Justice Hidayatullah, held that the law of contempt stems from the right of the courts to punish by imprisonment or fines persons guilty of words or acts which either obstruct or tend to obstruct the administration of justice. This right is exercised in India by all courts when contempt is committed in *facie curiae* and by the superior courts on their own behalf or on behalf of courts subordinate to them even if committed outside the courts. Formerly, it was regarded as inherent in the powers of a court of record and now by the Constitution of India, it is a part of the powers of the Supreme Court and the High Courts. There are many kinds of contempts. The chief forms of contempt are insult to Judges, attacks upon them, comment on pending proceedings with a tendency to prejudice fair trial, obstruction to officers of courts, witnesses or the parties, abusing the process of the court, breach of duty by officers connected with the court and scandalising the Judges or the courts. The last form occurs, generally speaking, when the conduct of a person tends to bring

the authority and administration of the law into disrespect or disregard. In this conduct are included all acts which bring the court into disrepute or disrespect or which offend its dignity, affront its majesty or challenge its authority. Such contempt may be committed in respect of a Single Judge or a Single Court but may in certain circumstances, be committed in respect of the whole of the judiciary or judicial system.

While it is intended under Article 19 of the Constitution that there should be freedom of speech and expression, it is also intended that in the exercise of the right, contempt of court shall not be committed.

Where therefore, a person charged the judiciary as an “instrument of oppression” and the Judges as “guided and dominated by class hatred, class interests and class prejudices instinctively favouring the reach against the poor”, it is clearly an attack upon Judges calculated to raise a sense of disrespect and distrust of all judicial decisions. It weakens the authority of law and law courts and the person is guilty of contempt of court. That the person did not intend any such result cannot serve as a justification.

65. In *Queen v. Gray reported at (1900) 2 QB 36 (40)*, Lord Russell, speaking for the bench observed that any act done or writing published calculated to bring a Court or a Judge of the Court into contempt, or to lower his authority, is a Contempt of Court. Further, any act done or writing published calculated to obstruct or interfere with the due course of justice or the lawful process of the Courts is a Contempt of Court. The former class belongs to the category which Lord Hardwicke - L.C. characterised as “scandalising a Court or a Judge” in *re Read and Huggonson*, (1741) 2 Atk.291,469.

66. In *Chokolingo v. Attorney General of Trinidad and Tobago reported at (1981) 1 All ER 244*, Lord Diplock, observed 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.

67. What can be culled out from the decisions discussed above are as follows:-

(i) The judiciary is one of the three pillars of the Constitution along with the executive and the legislature. It has been entrusted with the job of upholding the rule of law by orderly administration of justice. The judiciary functions through Judges and Judicial Officers.

(ii) The majesty of the Courts must be protected. This is because the Court is often the last resort for a citizen who has been wronged or who perceives to have been wronged. It is the Court which is empowered to afford redress to a person who complains of having been treated in a manner contrary to law.

(iii) Courts and Court orders must be respected and obeyed. Otherwise, lawlessness will become the order of the day.

(iv) A litigant or any stakeholder in a litigation cannot launch a scurrilous attack on the Court or a Judge before whom the concerned *lis* is pending. However dissatisfied such a person may be with the adjudicatory process or a Court order, he cannot indulge in any act or conduct and cannot publish any material, whether verbally or in writing, or indulge in any act or conduct that lowers or tends to lower the majesty of the Court. This would amount to interference with the administration of justice and will constitute criminal contempt.

(iv) While a citizen's fundamental right of free speech under Article 19 of the Constitution is a valuable right, exercise of such right must be subject to the law relating to Contempt of Courts.

(v) The law of contempt has been designed and promulgated not for protecting any particular Judge or Judicial Officer, but for preserving and upholding the institutional majesty of the Judiciary and justice delivery system and the sanctity of Court orders. This is of utmost importance since if a person can get away after unfair and self-serving criticism of a Judge or can otherwise tarnish the image of the Judiciary with impunity, public confidence in the justice delivery system will erode. The biggest casualty will be the members of the public and greater public interest.

(vi) While fair criticism of a judicial order or judicial conduct may be acceptable, imputing improper or dishonest motive to a Judge cannot be permitted. Otherwise, in every litigation, the losing side is likely to denigrate the concerned Judge by imputing nefarious motive to him.

68. The facts of the present case, in so far as the alleged Contemnors Nos. 1 to 7 (in short "C-1 to C-7") are concerned, are fairly admitted. They were part of a much bigger group which assembled in close vicinity of the High Court. They blocked public road, they shouted slogans against a particular sitting Judge of the High Court imputing improper motive to His Lordship in dealing with a litigation pending in his Court in a particular manner. They obstructed the lawyers' ingress to and egress from their chambers/offices located in that area and hurled abuses at them. They put up photographs of a particular Hon'ble Judge on placards as a part of their public demonstration. They trampled on photos of that Hon'ble Judge.

69. By the aforesaid conduct C- 1 to C- 7 and indeed their associates tried to express their displeasure and demonstrate how disgruntled they were with the manner the concerned Hon'ble Judge was dealing with a particular case in which the demonstrators were interested. The question is, did the law of the land permit them to do so? The answer must be in the negative. This is because their acts and conduct constituted an unwarranted and legally unacceptable scurrilous attack on the functioning of the Judiciary as a whole and its impartiality. The acts and conduct of the alleged contemnors lowered or tended to lower the majesty of the Court and sanctity of Court orders thereby interfering with the administration of justice. This clearly was criminal contempt of Court going by our discussion above.

70. While substantially admitting the acts and conduct which the informants have complained of, the alleged contemnors C-1 to C-7 have sought to contend that what happened was a spontaneous reaction out of long pent-up frustration because of the delay in appointing them as teachers caused by the ongoing litigation. This cannot be an acceptable explanation for or justification of the impugned acts and conduct of C-1 to C- 7. Condoning the demeanour of the alleged contemnors on the ground that they were driven by their emotions running amok, will be setting a dangerous precedent and in any event is not envisaged in law. One cannot justify an act of contempt of Court by saying that he was overtaken by his emotions. If the alleged contemnors were aggrieved by any order of the concerned Judge or in the manner His Lordship was conducting the concerned proceedings, it was open to the alleged contemnors to ventilate their grievance before a higher forum. They would have been within their legal rights to do so. However, by making derogatory and disparaging comments concerning a sitting Judge of this Court, the alleged contemnors have exceeded the bounds of their legal rights and have interfered with the course of justice, thereby committing criminal contempt of Court.

71. The informants produced a Pen Drive along with the affidavits they have affirmed. The affidavits refer to the Pen Drive. The Pen Drive contains videos of the incident in question. C- 1 to C- 7 have not challenged the contents of those videos. The videos would clearly show the public demonstration, shouting of slogans against the Hon'ble Judge, remarks that the Hon'ble Judge in unholy entente with a Senior Advocate of this Court is refusing to vacate the stay order on employment of the demonstrators and also slogans to the effect that they would not allow the case to be heard by that particular Judge.

72. The rigours of the provisions of the Evidence Act and its successor statute, the Bharatiya Sakshya Adhiniyam, relating to production and proof of electronic evidence govern suits and trials. However, those are not applicable to a contempt proceeding. Moreover, in view of no specific challenge to the authenticity of the video clips having been raised, the Court can very well rely on those for the present purpose.

73. Although in their affidavit, C-1 to C-7 denied having stamped on photographs of the concerned Hon'ble Judge, with their feet, there is a material on record including photographs and videos to show that they actually did so.

74. C-1 to C- 7, in their affidavit as also through their learned Advocate, have tendered apology. Is this a case where apology should be accepted? We think not. The demonstrators including the alleged contemnors are educated people. They are presumed to know the consequences of what they did. They were trying, in effect, to browbeat an Hon'ble Judge of this Court. They are not illiterate people or from a rustic background who did not know what they are entitled to do in law and what law prohibits them from doing.

75. Hence, we are not inclined to let go the alleged contemnor nos. 1 to 7 merely by accepting their apology. Their acts and conduct were a vicious attack on the independence and impartiality of the judiciary. They showed utter disregard for the

judiciary. However, on an overall consideration of the facts and circumstances of the case including the fact that they have been embroiled in litigation concerning their appointment as teachers and the resultant frustration, we are inclined to take a lenient view and impose fine of Rs. 1000/- on each of alleged contemnor Nos. 1 to 7. Such fine is to be paid within 4 weeks from date to the Government Exchequer under the appropriate head. In default, each of them will suffer simple imprisonment for three days and for that purpose the jurisdictional police authorities shall take them into custody. This disposes of the contempt proceedings in so far as contemnor nos. 1 to 7 are concerned.

76. Now, let us take up the case of the Contemnor No. 8 (C-8) which is somewhat different from the case of C-1 to C- 7.

77. From the material on record including the annexures to the affidavits of complaint and the videos in the Pen Drive referred to above, the authenticity of the contents whereof has not been challenged by anybody, one thing is clear. C-8 was nowhere near the High Court on April 26, 2025, i.e., the date of the incident. There is nothing on record to show that C-8 instigated or incited the public demonstration on April 25, 2025.

78. However, there is a video in the aforesaid Pen Drive recording an interview of C-8. The alleged contemnor no. 1 is also seen in that video next to C-8. That also, per se, may not be sufficient to hold C-8 guilty of criminal contempt. But, in course of his interview, C- 8 clearly said, “আর বিচারপতির কিছু কিছু সিপিএমের আইনজীবীকে দেখলে কী হয় জানি না। অভিজিৎ গঙ্গোপাধ্যায়কে দেখেছি। ভগবান-ভগবান-তারপর সাংসদ।”(I do not know what happens to the Judge when some of the lawyers belonging to the CPI (M) camp appear before him. I have seen Abhijit Gangopadhyay - “God-God,” and then became Member of the Parliament (MP)).

The aforesaid is an unequivocal imputation against the Hon’ble Judge that he gets swayed when some particular lawyers belonging to a particular political

camp appear before him. This clearly impinges on the impartiality and independence of the Hon'ble Judge and is an attack on the entire justice delivery system.

79. In the interview there is also a subtle indication that the Hon'ble Judge is raising a new issue at every hearing and calling for fresh documents / information. In spite of all documents and information being furnished, the stay order on appointment of the teachers was continuing. There definitely is an innuendo in these statements that the Hon'ble Judge is partisan towards the party to the litigation which obtained stay order and wanted cancellation of the appointment letters issued by the then Chief Minister. This, in our opinion, going by the definition of 'criminal contempt' in the 1971 Act as interpreted by the Supreme Court decisions referred to above, would amount to criminal contempt of Court. We therefore hold Shri Kunal Ghosh guilty of criminal contempt of court.

80. The next question is, whether or not we should accept the apology tendered by Shri Ghosh through his learned Senior Counsel? An apology which deserves to be accepted must be unconditional, sincere and genuine. It must convey a feeling of regret, repentance and contrition. It must not be a pretended apology. The Hon'ble Supreme Court has held, as discussed herein before, it is one thing to say sorry and another, to feel sorry. The "slap and say sorry" practice cannot be countenanced.

81. In the present case, Shri Ghosh, while tendering apology, has in the same breath challenge the maintainability of the present proceedings and tried to justify his conduct complained of in these proceedings. In the context of contempt of Court, true apology and justification of the contemptuous act/conduct, cannot go hand in hand. They are mutually exclusive. One who seeks to justify his conduct cannot be permitted to get away by tendering apology as a second line of defence.

Similarly, when an alleged contemnor offers genuine apology, he ought not to simultaneously try to justify his conduct.

In our opinion, the purported apology tendered on behalf of Shri Ghosh, is not real or genuine and is undeserving of acceptance. We therefore impose the maximum fine of Rs. 2000/- on him. The fine shall be paid within 4 weeks from date to the Government Exchequer under the appropriate head. In default, Shri Ghosh shall suffer simple imprisonment for 3 days for which purpose he shall be taken into custody by the jurisdictional police authorities.

82. The contempt proceedings stand disposed of accordingly.

83. Urgent photostat certified copies of this judgment and order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Sabyasachi Bhattacharyya, J.)

(Rajarshi Bharadwaj, J.)

Later:

84. After the Judgment is pronounced in open court, Mr. Bandopadhyay, learned Senior Counsel appearing for the alleged contemnor no. 8 in CRLCP 7 of 2025, Mr. Kunal Ghosh, prays for stay of operation of the judgment and order.

85. The prayer is considered and refused.

(Arijit Banerjee, J.)

(Sabyasachi Bhattacharyya, J.)

(Rajarshi Bharadwaj, J.)