

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CPAN/66/2026

Manoj Paul

Vs

Pabitra Sen

Mr. Manoj Paul ... Petitioner in person

Mr. Arul Prasanth
Mr. KMB Jayapal ... Amicus curiae

October 1, 2026
[AKB]
Item No.10

1. Petitioner in person is present before this court through virtual mode.
2. Mr. Arul Prasanth and Mr. KMB Jayapal, learned advocates are present before this Court as *amicus curiae*.
3. The instant criminal contempt petition has been instituted by the petitioner against a Judicial Officer presently posted in the Andaman and Nicobar Islands as the Joint Civil Judge (Senior Division), Port Blair, in relation to the order passed by him on 21.08.2026 in Money Suit No. 253 of 2024 (61 of 2021).
4. It appears from the materials placed before this Court that, being aggrieved by and dissatisfied with the aforesaid order dated 21.08.2026, the petitioner did not confine himself to the remedies available to him in law for assailing the said judicial order. Instead, the petitioner addressed an e-mail to the learned District and Sessions Judge, Andaman and

Nicobar Islands, Port Blair, wherein certain allegations, imputations and aspersions were made against the Judicial Officer who had passed the said order in the course of discharge of his judicial functions. The tenor and substance of the said communication indicate that the petitioner has sought to ventilate his grievance against the judicial order by making allegations against the Presiding Officer personally.

5. The order passed by the learned Judge dated 21.08.2026 is quoted here in below: -

"Today is fixed for filing reply to show cause by plaintiff and defendant No. 3, 5 & 6.

Plaintiff remained absent today without any steps.

Ld. counsel for the defendant No. 1, 2, 4 & 8 are present today.

"It transpires from record that plaintiff is no more interested to proceed with the present suit anymore. Considering the conduct of plaintiff, this Court finds that further proceedings of the present suit anymore is wasting the valuable court's time".

Hence, it is

Ordered.....

That the suit bearing Money Suit No. 61 of 2021 (renumbered at Money Suit No. 253 of 2024) be and the same is dismissed for default without any order as to costs.

Thus, the suit is disposed of accordingly...

D/A is directed to note in the Suit Register."

6. Both the learned Advocates, Mr. Arul Prasnath and Mr. K.M.B. Jayapal, appear before this Court as *amicus curiae*. They submit that the petitioner has no right or justification to make derogatory remarks, aspersions or imputations against the Judicial Officer who passed the order dated 21.08.2026 in the discharge of his judicial functions.

7. It is further submitted by the learned *amicus curiae* that, if the petitioner is aggrieved by the aforesaid order, the

law provides an appropriate and efficacious remedy for assailing the same before the competent forum. Instead of availing himself of such remedy in accordance with law, the petitioner has chosen to make disparaging remarks and cast aspersions upon the Judicial Officer who passed the order in the exercise of his judicial jurisdiction. Such conduct, it is contended, cannot be countenanced, as a judicial order is liable to be challenged only through the remedies recognised by law and not by making personal allegations or imputations against the Judge concerned.

8. The learned *amicus curiae* further submits that the criminal contempt application instituted by the petitioner against the Judicial Officer, founded essentially upon his grievance against the judicial order and the allegations made by him against the Officer in connection with the discharge of his judicial functions, is not maintainable in law. The petitioner cannot be permitted to convert his dissatisfaction with a judicial order into a proceeding alleging criminal contempt against the Judicial Officer. The appropriate course available to the petitioner was to assail the order dated 21.08.2026 before the forum competent to examine its legality and correctness, rather than to attribute motives or make derogatory imputations against the Judicial Officer.

9. In course of hearing Mr. Jayapal, learned advocate cited a decision rendered by the Hon'ble Apex Court in the case of ***Bal Thackrey vs. Harish Pimpalkhute and others***

reported in **(2005) 1 SCC 254** (paragraph 22 and 23) which is quoted herein below:

"22. A perusal of the record including the notices issued to the appellant shows that the Court had not taken suo motu action against the appellant. In contempt petitions, there was no prayer for taking suo motu action for contempt against the appellant. The specific objection taken that though suo motu action could be taken under Section 15 of the Act on any information or newspaper but not on the basis of those contempt petitions which were filed regular manner by private parties, was rejected by the High Court in observing that being court of record it can evolve its own procedure, which means that the procedure should provide just and fair opportunity to the contemner to defend effectively and that the contemner has not expressed any prejudice or canvassed any grievance that he could not understand the charge involved in the proceeding which he had called upon to defend. It is, been however, not in dispute that the charge against the appellant was not framed.

23. In these matters, the question is not about compliance or non-compliance with the principles of natural justice by granting adequate opportunity to the appellant but is about compliance with the mandatory requirements of Section 15 of the Act. As already noticed the procedure of Section 15 is required to be followed even when petition is filed by a party under Article 215 of the Constitution, though in these matters petitions filed were under Section 15 of the Act. From the material on record, it is not possible to accept the contention of the respondents that the Court had taken suo motu action. Of course, the Court had the power and jurisdiction to initiate contempt proceedings suo motu and for that purpose consent of the Advocate General was not necessary. At the same time, it is also to be borne in mind that the courts normally take suo motu action in rare cases. In the present case, it is evident that the

proceedings before the High Court were initiated by the respondents by filing contempt petitions under Section 15. The petitions were vigorously pursued and strenuously argued as private petitions. The same were never treated as suo motu petitions. In absence of compliance with the mandatory requirement of Section 15, the petitions were not maintainable”

10. Accordingly, the learned *amicus curiae* submit that the criminal contempt application, being legally misconceived and not maintainable, is liable to be dismissed at the threshold.

11. It is an established principle that an order passed by a Judicial Officer in the lawful discharge of his judicial functions is required to be challenged before the forum prescribed by law. If a litigant is aggrieved by the legality, correctness or propriety of such order, the remedy lies in invoking the appropriate appellate, revisional, review or other jurisdiction recognised by law. The remedy of contempt cannot ordinarily be employed as a substitute for an appeal or revision, nor can the correctness of a judicial order be adjudicated upon in a proceeding which is essentially concerned with the preservation of the dignity and authority of the judicial process.

12. The distinction between a challenge to a judicial order and an attack upon the Judge who passed such order is, therefore, of considerable significance. A litigant may legitimately contend that a judicial order is erroneous, contrary to the evidence, contrary to law or otherwise

unsustainable. Such grievance is required to be addressed before the competent forum. The mere fact that the litigant, being aggrieved by the order, uses intemperate or unrestrained language while expressing his dissatisfaction cannot, in every case and as an automatic consequence, transform the matter into one of criminal contempt.

13. The law provides an elaborate hierarchy of judicial remedies precisely to enable an aggrieved litigant to question an order before the competent forum. The appropriate course for a person dissatisfied with a judicial order is to challenge that order in accordance with law and not to seek to overawe, discredit or otherwise undermine the Judge who rendered it.

14. In the present case, the order dated 21.08.2026 (Order No.8) in Money Suit No.253 of 24 (61 of 21) which appears to have provoked the grievance of the petitioner was admittedly an order passed by the learned Judicial Officer in the course of exercising his judicial jurisdiction. If the petitioner considered the said order to be erroneous or legally unsustainable, he was required to avail himself of the remedy available under law. He could not be permitted to assail the judicial order collaterally by making personal allegations against the Judicial Officer and thereafter invite this Court to examine the matter through the prism of contempt jurisdiction.

15. At the same time, this Court is not oblivious of the fact that the petitioner is alleged to have made certain derogatory

remarks against the concerned Judicial Officer. The petitioner made certain remarks while appearing before this Court today through virtual mode. Further, the representation submitted by the petitioner before the learned District and Sessions Judge on 02.09.2026 is stated to contain certain aspersions and remarks concerning the conduct of the Judicial Officer.

16. The freedom available to a litigant to question a judicial order does not confer an unrestricted licence to make reckless allegations against the personal integrity of a Judicial Officer. The dignity of the judicial process is an essential component of the administration of justice, and the Court is entitled to take appropriate action where the conduct of a litigant crosses the permissible boundary of criticism and enters the realm of deliberate obstruction, intimidation or scandalisation of the Court.

17. A judicial officer, while discharging judicial functions, is necessarily exposed to criticism from litigants and members of the public. The law does not require that every judicial order be immune from criticism. What the law protects is the administration of justice and the institutional authority of the Court. Consequently, a Judge cannot invoke contempt jurisdiction merely because a litigant has expressed dissatisfaction with an order passed by him. Conversely, a litigant cannot claim immunity merely by describing a personal attack upon the Judge as a criticism of the order.

18. It is also of considerable significance that the alleged misconduct is substantially connected with the petitioner's grievance against the judicial order passed by the concerned Judicial Officer. The petitioner had a lawful remedy to question the order before the competent forum. Instead of pursuing such remedy in accordance with law, he appears to have chosen to ventilate his grievance through representations and certain objectionable expressions. Such conduct may be deprecated; nevertheless, the remedy for an erroneous judicial order is an appeal or revision and not a proceeding for criminal contempt against the Judicial Officer who passed the order.

19. A judicial officer, while discharging judicial functions, speaks through the judicial order. The remedy against an erroneous order is ordinarily a legal remedy against the order itself and not a personal proceeding against the Judge. To permit a disappointed litigant to attribute mala fides, bias, dishonesty, extraneous considerations or other improper motives to the Judge, without pursuing the legally available remedy, would amount to allowing the litigant to circumvent the judicial hierarchy and undermine the institutional authority of the court.

20. The contempt jurisdiction cannot be allowed to become a collateral appellate jurisdiction over judicial orders. Were such a course to be adopted, every aggrieved litigant could seek to convert dissatisfaction with an adverse judicial order

into a proceeding against the Judge who passed it. Such an approach would not advance the administration of justice; rather, it would expose Judicial Officers to unnecessary collateral proceedings and would have the undesirable effect of encouraging litigants to bypass the statutory hierarchy of judicial remedies.

21. This Court is, however, constrained to observe that the conduct attributed to the petitioner is far from commendable. A litigant appearing before a Court, whether physically or through virtual mode, is expected to maintain the decorum and dignity appropriate to judicial proceedings. Similarly, a representation to the learned District and Sessions Judge is a legitimate avenue for ventilating a genuine grievance, but such representation must remain within the bounds of propriety and must not degenerate into personal vilification or unsubstantiated aspersions against a Judicial Officer.

22. The petitioner ought to have appreciated that the proper manner of challenging the legality or correctness of a judicial order is by invoking the jurisdiction of the competent Court and not by making personal allegations against the officer who passed the order.

23. In the considered view of this Court, a litigant cannot be permitted to assail a judicial order by casting personal aspersions upon the judicial officer who passed the same. If the litigant is aggrieved by the legality, correctness or propriety of such order, the remedy lies in approaching the

forum competent in law to examine the order by availing the appropriate appellate, revisional, review or other statutory/constitutional remedy. The judicial officer cannot be personally targeted merely because the decision rendered in the exercise of judicial functions is adverse to the litigant. A litigant is certainly entitled to challenge the reasoning or correctness of a judicial order in appropriate proceedings, but such right does not extend to imputing motives or making reckless, derogatory or scandalous allegations against the Judge. The majesty of the judicial process requires that disagreement with a judicial determination be expressed through lawful remedies and not through personal attacks upon the judicial officer.

24. It is also necessary to maintain the distinction between a legitimate grievance and an attack upon the judicial officer. A litigant is entitled to state that an order is contrary to law, unsupported by evidence, procedurally irregular or otherwise erroneous, provided such contention is advanced in the appropriate proceedings and in temperate language.

25. The conduct of the petitioner, particularly his resort to derogatory expressions against a Judicial Officer and the manner in which his grievance was sought to be projected instead of pursuing the appropriate judicial remedy, cannot be countenanced. The liberty to ventilate a grievance against a judicial order carries with it a corresponding obligation to maintain the dignity of the judicial institution and to observe

the minimum standards of propriety expected from every litigant.

26. The imposition of a reasonable cost is, in the circumstances, considered appropriate so as to impress upon the petitioner that judicial remedies must be pursued in a disciplined manner and that personal attacks upon Judicial Officers are wholly undesirable.

27. Accordingly, the criminal contempt case stands **dismissed**.

28. Having regard to the facts and circumstances of the case, this Court deems it appropriate to impose cost of Rs.40,000/- (Rupees Forty Thousand only) upon the petitioner. The said amount shall be deposited with the District Legal Services Authority (DLSA), Andaman, within a period of two months from the date of this order. The receipt evidencing such deposit shall be filed before the learned Registrar of this Court within one week thereafter.

29. The alleged derogatory remarks made against the learned Judicial Officer, the objectionable observations allegedly uttered by the petitioner while appearing before this Court through virtual mode, and the aspersions contained in his representation dated 02.09.2026 and in the contempt application, are deprecated. Such conduct is wholly unwarranted and unbecoming of a litigant and ought not to be resorted to as a means of ventilating grievances against

judicial orders or the manner in which judicial functions are discharged.

30. The petitioner is, accordingly, cautioned to exercise due restraint and circumspection in future and to maintain the requisite dignity and decorum in his conduct before the Court. If the petitioner is aggrieved by any judicial order, his remedy lies in availing himself of the appropriate statutory or legal remedies available to him, and not in making disparaging remarks or casting aspersions upon the Judicial Officer concerned. The petitioner is, therefore, directed to pursue any such grievance strictly in accordance with law and through the appropriate forum.

(Prasenjit Biswas, J.)