

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE SHEEL NAGU  
&  
HON'BLE SHRI JUSTICE VINAY SARAF  
CONTEMPT PETITION CRIMINAL No.4 of 2021**

**BETWEEN :-**

**IN REFERENCE (CRIMINAL  
CONTEMPT IS REGISTERED IN  
COMPLIANCE OF C.O. DATED  
17/03/2021 PASSED IN CRA NO.  
1535/2020 AND CRA NO.1538/2020 NOT  
MENTION (MADHYA PRADESH)**

**....PETITIONER**

**AND**

**SHRI MADAN SINGH (E.NO. 1190/1991  
S/O NOT MENTION OCCUPATION :  
ADVOCATE 1745 SARASWATI  
COLONY BEHIND PARIJAT  
BUILDING CHERITAL, JABALPUR  
(MADHYA PRADESH)**

**....RESPONDENT**

***(BY CONTEMNOR SHRI ANIL KHARE –  
SENIOR ADVOCATE WITH SHRI GREESHM  
JAIN & SHRI SOURABH SINGH THAKUR)***

**(BY SHRI SANJAY SINGH & SHRI  
SANJAY K. VERMA–ADVOCATES/STATE  
BAR COUNCIL)**

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Reserved on : 07.02.2024  
Pronounced on : 23.02.2024

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*This petition having been heard and reserved for orders, coming on for pronouncement this day, Hon'ble Shri Justice Sheel Nagu pronounced the following:*

### **ORDER**

**1.** This Criminal Contempt registered pursuant to order of Co-ordinate Bench of this Court passed on 17.03.2021 in Criminal Appeal No.1535/2020 (*Kutu@Roop Singh Lodhi vs. The State of Madhya Pradesh*) and Criminal Appeal No.1538/2020 (*Mohan Lodhi vs. The State of Madhya Pradesh*), is being taken up by this Bench which was nominated for the said purpose by order of Hon'ble the Chief Justice dated 24.03.2021.

**1.1** It is apt to reproduce the foundational order dated 17.03.2021 in *toto* passed in the Criminal Appeal No.1535/2020 as follows :-

*“Shri Madan Singh, counsel for the appellant.*

*Ms. Shikha Baghel, PL for the State.*

*None for the objector.*

*Heard on I.A. No.9307/2020, which is an application for suspension of sentence and grant of bail to the appellant.*

*The appellant has been convicted by the trial Court under Sections 148, 302/149 of the IPC and sentenced to 1 year with fine of Rs.1000/- and life imprisonment with fine of Rs.5000/- respectively with default stipulation.*

*As per prosecution's case, on 4.3.2012 Kashiram Lodhi and Gokul were sitting under a small shed in the field, at that time Hira Bai, Parvati, Ramesh Lodhi were also present. At about 9:00 PM in the night when Kashi was going towards the field, at that time Mahipal Singh, Jaipal Singh, Rampal Singh, Satendra Singh, Mulu Lodhi, Kuti Lodhi of village Chachi Samera and Pancham Lodhi, Nanne Bhai Lodhi, Khalak Lodhi, Mohan Lodhi, Ram Singh Lodhi of village Magwanasher and Jaipal Singh of village Jaitpur reached there. Mahipal Singh called Gokul Lodhi outside and when Gokul came out side, Mahipal told he would kill him and at that time Satendra assaulted him by means of an Axe and when Gokul tried to run away, Ram Singh fired gun shot on him by means of 12 bore country made pistol and rest of the accused person who were armed with lathi, Katarna and gun assaulted Gokul of occipital and there were so many fractures on tibia & fubia bone of both the legs. The cause of death was found shock due to excessive bleeding and head injuries.*

*Considering the nature of injuries sustained by the deceased, cause of death and the fact that there three eye witness accounts in the case, we do not find it a fit case to suspend the jail sentence of the appellant.*

*Accordingly, the I.A. stands dismissed.*

*After arguing for about 15-20 minutes at Bar and after completion of the dictation, knowing the mindset of the Court, Mr. Madan Singh, Advocate prayed for withdrawal of the application. However, when the Court refused to grant permission to withdraw the application, Mr. Madan Singh, Advocate started misbehaving with the Bench in the presence of other Advocates including Panel Lawyers and staff of the Court. Such Behaviour is contrary to the decorum of the Court and apparently contemptuous. Therefore, the proceedings for criminal contempt of Court are initiated against Mr. Madan Singh, Advocate separately.*

*Let a copy of this order be sent to the State Bar Council for information."*

2. Pursuant to aforesaid order dated 17.03.2021, the Co-ordinate Bench prepared a detailed summary of proceedings dated 17.03.2021 including the past conduct of contemnor. The summary was as follows :-

**"Jabalpur, Dated 17.3.2021**

*Today, i.e, on 17.03.2021 during the course of arguments on applications for suspension of sentence of the appellants in Cr.A. No.1535/2020 and Cr.A. No.1538/2020, before the Division Bench*

*comprising of Hon'ble Smt. Justice Anjuli Palo and Hon'ble Shri Justice B.K. Shrivastava, after arguing for about 15-20 minutes at Bar and after completion of the hearing knowing the mindset of the Court that were are not inclined to grant the bail to the appellants because the appellants were convicted under Section 148, 302/149 of the IPC and sentenced to life imprisonment; the appellants were in jail since the date of judgment i.e. 27.1.2020; there was sufficient evidence against the appellants that they assaulted the deceased by using lathi, katarna and gun; the Doctor found 18 external injuries including some fatal injuries and fractures on the head as well as tibia and fibula bones of both the legs, Mr. Madan Singh, Advocate started shouting with anger and misbehaving with the Bench in a very indecent and immodest language. He went to the extent of diminishing the dignity of the Court as well as tarnishing the dignity of a lady Judge in the presence of other Advocates including Panel Lawyers and staff of the Court. A copy of order dated 17.3.2021 passed in Cr.A. No.1535/2020 is annexed herewith as **Annexure A-1** and A copy of order dated 17.3.2021 passed in Cr.A. No.1538/2020 is annexed herewith as **Annexure A-2**. He uttered following absurd words repeatedly against Hon'ble Smt. Justice Anjuli Palo in a very loud voice with an intention to create pressure on the Bench to grant bail in his case :-*

1. पिछले 4 बार से आप मेरे साथ ऐसा ही कर रही हैं।
2. आप वकीलों पर प्रेशर बनाती हैं। आप उन पर दवाब बनाती हैं।
3. आप गरीब वकील के केस को खारीज करती हैं, जिससे वो केश बड़े वकीलों को मिले। हमें बेल नहीं मिलती है।
4. मेरा कुछ नहीं, मैं तो वकालत छोड़ दूँगा और मर जाऊँगा। मैं कोई डरता नहीं हूँ कितने भी कंटेम्प्ट चल जायें। आप भी फाईल कर दो।
5. आप लोग ऐसा ही करते हैं, आपकी लड़की भी कोर्ट में जज है। आपके पति भी इसी कोर्ट में जज थे।
6. पूरी बार में आपके बारे में बात होती रहती हैं कि आप क्या करती हैं। पूरी बार आपसे नाराज है और उन्हें आपसे शिकायत है।

*Such behaviour is contrary to the decorum of the Court and apparently a contemptuous act.*

*On the earlier occasion also on 3.3.2021, while arguing on a bail application bearing M.Cr.C. No.6944/2021, Mr. Madan Singh, Advocate got annoyed and started behaving almost in similar manner. On that day, Hon'ble Smt. Justice Anjuli Palo ignored his conduct, but today again he misbehaved. The words spoken by Mr. Madan Singh, Advocate scandalised and prejudiced the due course of judicial proceedings of the Court. Advocate has to keep in mind the dignity of the Court as well as the Judge. It is the duty of the advocate to perform his function in such a manner that due to his acts the honour and integrity of the court are not affected.*

*Earlier also Mr. Madan Singh, Advocate faced the proceedings*

*under the Contempt of Courts Act as he had misbehaved with learned Judicial Magistrate Mr. Anil Sahu. In the contempt proceedings in Con.Cr. No.8/2018, he appeared before the Division Bench comprising of Hon'ble Shri Justice J.K. Maheshwari and Hon'ble Smt. Justice Anjali Palo wherein against Mr. Madan Singh, Advocate following order was passed by the Division Bench :-*

*“Mr. Anil Khare, learned Senior Counsel along with Mr. Greeshm Jain, Advocate for the contemnor.*

*Mr. Raman Patel, Mr. D.K. Dixit and Mr. Manoj Sharma, Advocates are also present.*

*Mr. Mahendra Choubey, learned Government Advocate for the respondent/State.*

*Contemnor Mr. Madan Singh is present in Court.*

*This contempt proceeding is initiated on a reference made by Mr. Anil Kumar Sahu IV<sup>th</sup> Civil Judge, Class- I, Jabalpur in furtherance of this letter dated 12.03.2018 against the alleged contemptuous act of Mr. Madan Singh, Advocate.*

*Contemnor Mr. Madan Singh has tendered his unconditional apology and undertaking in writing. The same is taken on record.*

*The contemnor expressed regret about the incident taken place on 02.02.2018 in the Court of 4<sup>th</sup> Civil Judge, Class- I, Jabalpur. He has also tendered unconditional apology for the said incident. **He undertakes that if such an incident is repeated by him in any Court, the Court concerned or the High Court may be at liberty to proceed against him under the provisions of Contempt of Courts Act, as well as the Bar Council of the State would be at liberty to proceed for suspension/cancellation of concerned and shall also be communicated to the President of the local Bar, the Secretary of the M.P. State Bar Council and the Secretary of the Bar Council of India. It be also kept in the record of the Registry of this Court.***

*In view of the aforesaid, Rule Nisi issued against the non-applicant stands discharged.”*

*From the aforesaid order, it is clear that it is a regular practice adopted by Mr. Madan Singh, Advocate of misbehaving in the Court and tarnishing the reputation of Hon'ble Judges. However, in the aforesaid criminal contempt case, he tendered unconditional apology and the Court was kind enough to accept the apology tendered by him and granted last opportunity. A copy of order dated 25.6.2019 passed in Concr. No.8/2018 is annexed **Annexure A-3** and a copy of written apology of Mr. Madan Singh, Advocate is annexed herewith as **Annexure A-4**. A copy of list of persons present in the Court on*

17.3.2021 is annexed as **Annexure A-5**.

*It is very unfortunate as a High Court Judge to hear such personal comments relating to family members, who have nothing to do with the case. Hon'ble Justice S.K. Palo, husband of Hon'ble Justice Anjali Palo has retired as a High Court Judge having unblemished service record and her daughter Mrs. Shubhangi Palo Datt is also serving for last 8 years as a Judicial Officer with utmost sincerity and honesty. Making such personal comments on them is very disappointing.*

*Mr. Madan Singh, Advocate, who is having experience of more than 20 years of practice as an Advocate, is not expected to behave in such a ridiculous manner with the Judges in the Court and pass personal comments on their family to make unnecessary pressure on the Bench. The aforesaid conduct of Mr. Madan Singh, Advocate in Court is against the professional ethics and amounts to professional misconduct as well, which is done willfully with a wrong intention to diminish the dignity of the Court and tarnish the reputation of lady Judge, therefore, it is contrary to the provisions of the Advocates Act, 1961. He himself stated in the open Court to defame Hon'ble Smt. Justice Anjali Palo that he is not worried about the contempt proceedings. He does not have any regards for the Hon'ble High Court and its Judges. He is habitual to behave like this and to create pressure on the Judges. After creating scene in open Court, it becomes easy for him to tender apology, which is not acceptable by this Court, hence strong action is necessary against him.*

*Keeping in view the aforesaid conduct of Mr. Madan Singh, Advocate, Registry is directed to separately register proceedings for contempt against Mr. Madan Singh, Advocate (Enrollment No.1190/1991) under Section 14 read with Section 12 of the Contempt of Courts Act and notice be issued through M.P. State Bar Council of India to explain as to why he be not punished under Section 14 read with Section 12 of the Contempt of Courts Act, 1971. Notice be made returnable within 10 days.*

*Let a copy of this order be also sent to the President, High Court Bar Association, High Court Advocates' Bar Association and Senior Advocates' Council."*

**2.1** List of Advocates, Panel Lawyers and Court Staff present in the Court witnessing the proceedings dated 17.03.2021 is as follows :-

**"List of Advocates present in the Court**

1. Shri Bhupendra Kumar Shukla
2. Shri Anoop Saxena
3. Shri B.J. Chourasiya

4. *Shri Sanjay Sharma*
5. *Shri Vikas Jyotisi*

**Panel Lawyers**

6. *Ms. Nalini Gurang*
7. *Shri Saurabh Shukla*
8. *Ms. Priyanka Jain*
9. *Shri S.K. Malvi*
10. *Ms. Vasundhara Shukla*
11. *Shri Gaurav Tiwari*
12. *Ms. Shikha Baghel*
13. *Ms. Seema Jaiswal*

**Court Staff**

14. *Shri Rajesh Jyotisi, Senior Personal Assistant*
15. *Shri Sandeep Khare, Reader*
16. *Shri Sarvesh Namdeo, Reader*
17. *Shri Shashikant Kewat, Computer Operator*
18. *Shri Ashish Chouhan, Assistant Grade II*
19. *Shri Deendayal Kushwaha, Court Attendant*
20. *Shri Hulkar Singh Rajput, Court Attendant*
21. *Shri Gopal Patel, Court Attendant”*

**2.2** Reply, to the show cause notice, issued to contemnor, was filed on 22.07.2021 which is on record. The said reply does not express any remorse or apology instead seeks dropping of contempt notice by justifying conduct of contemnor during proceedings dated 17.03.2021.

**2.3** Thereafter, on 02.03.2023, contemnor filed reply dated 28.02.2022 seeking dropping of proceedings by tendering unqualified and unconditional apology for his act dated 17.03.2021.

**3.** It may not be out of place to mention that prior to the incident dated 17.03.2021, contemnor was proceeded against in Contempt Reference No.8/2018 (*In Reference Vs. Madan Singh*) arising out of incident dated 02.02.2018 which took place in the Court of IV<sup>th</sup> Civil Judge, Class- I, Jabalpur. In Contempt Reference No.8/2018 (*In Reference Vs. Madan*

*Singh*), the Co-ordinate Bench of this Court by order dated 25.06.2019 discharged the contemnor after accepting his unconditional apology which he tendered vide letter dated 25.06.2019.

4. From the aforesaid sequence of events, it appears that this is not the first instance of alleged contemptuous action by contemnor, but repeat instance where the majesty of this Court is allegedly damaged.

4.1 Pertinently, High Court of Madhya Pradesh (Contempt of Court Proceedings) Rules, 1980 have been framed in exercise of power under Article 225 of the Constitution of India read with Section 23 of Contempt of Courts Act, 1971 (for brevity “**Act of 1971**”) laying down procedure for conducting proceedings in civil as well as criminal contempt except Contempt Reference u/S 14 of Act of 1971. Section 14 *inter alia* deals with contempt committed in presence of the High Court. Thus, the procedure governing the contempt of present nature committed in the presence of this Court shall be governed by Section 14 of Act of 1971.

4.2 Considering the totality of circumstances where contemnor has allegedly caused repeat act of contempt, once before Judicial Officer of District Judiciary and thereafter before the Co-ordinate Bench of this Court, acceptance of written apology tendered by contemnor would amount to travesty of justice. By the repeat act of alleged contempt, the contemnor has created a situation where this Court is compelled by circumstances of creation of contemnor, to safeguard its majesty from being further damaged, by taking this contempt proceedings to the next stage of framing of charges and holding inquiry to ascertain the veracity and genuineness of charges.



**4.3** Framing of charges is all the more necessary since the remorse expressed by contemnor is neither genuine nor *bona fide*. It is merely to escape the rigours of contempt.

**5.** Consequently, this Court directs the Registry to frame charges against the contemnor.

**5.1** After framing of charges, the contemnor shall be granted reasonable opportunity of filing his reply to the charges framed, whereafter inquiry shall be held by recording statements as far as possible, of all the witnesses who are mentioned in Annexure A/5, by Registrar (Judicial).

**6.** After recording of statements, the matter be placed before appropriate Bench for rendering findings as regards contemnor's innocence or guilt.

**7.** List after ten (10) weeks.

**(SHEEL NAGU)  
JUDGE**

**(VINAY SARAF)  
JUDGE**

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