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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS.(CRL) 17/2018 & CrI.M.A.No.2792/2019

COURT IN ITS OWN MOTION

..... Petitioner

Through Mr.Arvind Nigam, Sr.Advocate with
Mr.Rajshekhar Rao, Dr.Amit George,
Mr.Vinayak Mehrotra, Mr.Rishabh
Dheer and Mr.Mehtaab Singh
Sandhu, Advocates.

versus

S GURUMURTHY

..... Respondent

Through Mr.Rahul Mehra, standing counsel for
the State with Mr.Chaitanya Gosain,
Advocate.
Mr.Mahesh Jethmalani with
Mr.Jayant Sud, Sr.Advocates and
Mr.Ravi Sharma, Mr.Mohit Mudgal
and Ms.Sanya Sud, Advocates for
Mr.S.Gurumurthy.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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14.10.2019

Today Mr.Mahesh Jethmalani, learned senior counsel submits that Mr.S.Gurumurthy had merely re-tweeted the hyperlink/weblink of the blog titled "*Why has Delhi High Court Justice Muralidhar's Relationship with Gautam Navlakha Not Been Disclosed?*" without any opinion and consequently he cannot be held guilty under the

Contempt of Court Act.

At this stage, we drew the attention of Mr.Jethmalani to the order dated 06th August, 2019, wherein the author of the offending blog i.e. Mr. Desh Kapoor had tendered an unconditional apology and agreed to delete the said blog. The relevant portion of the order dated 06th August, 2019 is reproduced hereinbelow:-

“Learned counsel for respondent no.3, author of the article, tenders an unconditional apology on behalf of his client. He states that he has deleted the offending article. He emphasises that in his reply-affidavit, he has undertaken to publish his apology letter on the social media. The relevant portion of the reply-affidavit relied upon by learned counsel for respondent no.3 is reproduced hereinbelow:-

“4. I undertake with full sincerity that hereafter, if at all, I shall write any blog about the legal system/judiciary in India, I will never rely upon any hearsay or random information on the internet, rather I shall take up a complete research and if necessary, take the advice of lawyers practicing in Indian courts. I say that I shall never feel provoked by any piece of news with regards to any hearing or order passed by the Indian judiciary in the future, in whatever manner it may be available on social or electronic media.

5. I therefore pray that my unconditional and sincere apology may be accepted by this Hon'ble court with liberty to publish this affidavit and/or the apology letter on social media displaying my sincere remorse and sorrow to the world over and further to place the gracefulness, kindness of this Hon'ble High Court, the Indian Judiciary.”

He lastly states that his client holds Justice Dr.S.Muralidhar in high esteem.

The unconditional apology tendered by respondent no.3,

author of the article, is accepted by this Court and he is directed to be more careful in future. Accepting his apology, respondent no.3 is deleted from the array of parties”.

At this stage, Mr.Jethmalani states that Mr.S.Gurumurthy would re-tweet the hyperlink of Mr. Desh Kapoor’s apology within seventy-two hours. He further clarifies that Mr.S.Gurumurthy would mention in his tweet that the author of the blog i.e. Mr.Desh Kapoor had tendered an unconditional apology to the Court and had withdrawn the offending blog against Hon’ble Dr. Justice S.Muralidhar.

The statement made by Mr.Mahesh Jethmalani is accepted by this Court and Mr.S.Gurumurthy is held bound by the same.

In view of the aforesaid, Mr.S.Gurumurthy is deleted from the array of parties.

Since none appears for remaining respondent despite service, issue fresh notice to the said respondents, without process fee, returnable before the Joint Registrar on 27th November, 2019.

Order *dasti* under the signature of Court Master.

MANMOHAN, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 14, 2019

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14/10/2019
Court Master -
High Court of Delhi
New Delhi