

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 8120 of 2020

SUO MOTU

Versus

YATIN NARENDRA OZA

Appearance:

Senior Advocate Mr. Shalin Mehta as Amicus Curie with MS NISHA M THAKORE(3293)

Senior Advocates Mr.Arvind Datar and Mr. Mihir Joshi with Advocate MS. KRUTI M SHAH(2428) for the Respondent(s)

CORAM:

HONOURABLE MS. JUSTICE SONIA GOKANI

and

HONOURABLE MR. JUSTICE N.V.ANJARIA

Date : 28/09/2020

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)

1. We have noticed that during the course of final hearing, the learned Sr. Advocate, Mr. Datar, while arguing as to what amounts to criminal contempt and attempting to plead truth as defense, has submitted that so far as the utterances in the Press Conference are concerned, neither the *amicus curiae* nor anyone made a mention that they are false or untrue.

2. Learned Sr. Advocate, Mr. Shalin Mehta, acting as *amicus curiae*, therefore, in his submissions has relied on the report of the Committee of the three Hon'ble Judges, Dated: 10.06.2020, prepared in response to the communication addressed to Honourable the Chief Justice, by the Respondent in his capacity as the President of the Bar Association on

05.06.2020.

3. Both the sides have argued strenuously on the aspect of the said report where the *amicus curiae* has requested this Court to look into the said report which is already sent to the Respondent whereas, the Respondent's side has urged not to consider the same. Noticing that the said report is not forming the part of the record even for the purpose of this Court to deal with the submissions of both the Learned senior Advocates, today, it is conveyed to the learned Senior Advocates of its absence and proposal to bring on record for apt adjudication.

4. On the part of the respondent, learned Sr. Advocate, Datar, through learned Sr. Advocate, Mr. Joshi, has urged that the Respondent has an objection on his part qua the said report being taken on record. Whereas according to the learned *amicus curiae*, there are no strict rules of evidence applicable to these proceedings. Moreover, the very report has reached the respondent on 10.06.2020, by way of an official communication, it was well-within the knowledge of the respondent all along, coupled with the fact that, it was also in the public domain, and in his Petition of the Apex Court also, it is one of the accompanied document, therefore, the same needs to be taken on record.

5. In the aforementioned background, we deem it appropriate to bring the said report on record. Let the report of the committee which is undisputedly conveyed to the Respondent on dated:10.06.2020 officially and which is also in the public domain as also annexed in his Writ Petition 734/2020 be brought on record of the proceedings of this matter.

5.1 Learned Sr. Advocate, Mr. Shalin Mehta, amicus curie, is requested to get the said report produced by completing necessary procedure with a copy to the Respondent.

6. Considering the fact that the final submissions of both the sides having already been concluded and as mentioned above, both the sides having also argued on the very report, when the same is decided, to be taken on record, today, principle of fairness would warrant to **AVAIL** a further opportunity to the respondent, if, he has anything further to adduce or submit in this connection or otherwise.

7. For the aforesaid purpose, the matter is posted for hearing on **30TH SEPTEMBER, 2020.**

(SONIA GOKANI, J)

(N.V.ANJARIA, J)

MISHRA AMIT V./UMESH

THE HIGH COURT
OF GUJARAT

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