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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 31.10.2023***

\+ CONT.CAS.(CRL) 10/2023

COURT ON ITS OWN MOTION ..... Petitioner
Through:

versus

NARESH SHARMA ..... Respondent
Through: Respondent in person.
Mr.Sanjeev Bhandari, ASC (Crl.) with Mr.Kunal Mittal, Mr.Arjit Sharma & Ms.Rishika, Advs.
Mr.Rakesh Kumar, CGSC with Mr.Sunil, Adv. for UOI.

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\+ CONT.CAS.(CRL) 12/2023

COURT ON ITS OWN MOTION ..... Petitioner
Through:

versus

NARESH SHARMA ..... Respondent

Through: Respondent in person.
Mr.Sanjeev Bhandari, ASC (Crl.) with Mr.Kunal Mittal, Mr.Arjit Sharma & Ms.Rishika, Advs.
Mr.Rakesh Kumar, CGSC with Mr.Sunil, Adv. for UOI.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T ***(oral)***

1. The above captioned three contempt petitions have been preferred pursuant to directions of Division Bench-I vide order dated 31.08.2023 whereby show cause notice was issued against Naresh Sharma, s/o Dev Raj Sharma, r/o 119, SB Nagar, Pathankot, Punjab as to why criminal contempt proceedings under Section 2(c) read with Section 12 of the Contempt of Courts Act, 1971 be not initiated against him.

2. Relevantly, the Contemnor Naresh Sharma had preferred LPA No.611/2023, LPA No.612/2023 & LPA No.613/2023 against the judgment dated 20.07.2023 passed by learned Single Bench of this Court in W.P.(Crl.) 1797/2023, W.P.(Crl.) 1798/2023 & W.P.(Crl.) 1809/2023 seeking setting aside thereof. The Contemnor had inter alia made the following prayers:-

> *"a. set aside judgment dated 20.7.2023 in W.P. (Crl) 1797/2023;*
> *b. criminally charge the Single Bench for a meaningless, defamatory, criminal, seditious*

judgment on such an important issue under IPC 124A, 166A(b), 167, 192, 193, 217, 405, 409, 499, 500, and Section 16 of Contempt of Courts Act, 1971 (70 of 1971), and give her death penalty considering that such blatant trampling of fundamental rights in Constitution of India by a High Court Judge in performing her duty if not punished in the strictest sense could be understood by other Judges to destroy with impunity the Judicial system of this country from within;

c. take cognisance of the additional affidavits with diary numbers: 1130202/2023 and 1330905/2023 filed with the W.P. (Crl) 1797/2023;

d. to take into account all the prayers in the W.P. (Crl) 1797/2023 read along with the additional affidavit with diary number: 1130202/2023;

e. to take steps for the criminal prosecution of all the Respondents;

f. to take steps for complete obliteration of Respondent Nos.5-7, their henchmen within the Government of India including the super-Telgi fake Form scamsters helping the Tatas in various Ministries, Public Servants in the governing bodies of Respondent No.8, and other criminals within the Government of India such as in Central Information Commission and Department of Personnel & Training who may not be overtly connected to Tatas but whose criminal documents or defamatory documents attributed to the Appellant may have caused this criminal situation to blow up, amounting to their criminal prosecution in the strictest terms including death penalty, rigorous imprisonment, and solitary confinement, confiscation of their properties, especially Tatas, to recover the huge loss to this country."

3. When the afore-captioned LPAs came up for hearing on 31.08.2023 before the Hon'ble Division Bench-I, the Court noted the objectionable and shocking allegations against the learned Single Bench, Government officials as well as the Hon'ble Supreme Court, which are detailed as under:-

> *"(i) Averments seeking criminal action against the learned Single Judge, at page 22 of the appeal, as under:*
>
> *"...Since Article 14 of Constitution of India does not allow mixing unrelated things, hence, the Single Bench should be criminally charged and he has approached the Tilak Marg Police Station, New Delhi with a complaint on 11.8.2023 provided in Annexure "A-3" arguing that Judicial immunity does not apply."*
>
> *[Emphasis Supplied]*
>
> *(ii) Aspersions being cast on the impugned judgment, at pages 23, 24, 26 and 32 of the appeal, as under:*
>
> *"The Appellant states that the summary of the Petition provided in Points 6-16 of the judgment captures the essential arguments although not worded precisely and the legal connection between the Respondent Nos.5 & 6 and Respondent No.7 is not emphasised in terms of promoter group, ignoring the subjective terms used by the Single Bench rather than focussing on a cold application of the law."*
>
> *"6. Considering the previous two points, the Appellant has been very surprised that the judgment went against him and he cannot think of any other possibility than that the Single Bench did not apply her mind in passing the judgment. The judgment is also ambiguously worded where the clear reasons for rejection of the Petition are*

not given and instead there is a forcible fit of a frivolous, vexatious Petition strongly indicative of a lack of focus on the legal merits of the Petition."

"If the dismissal of the Petition is because of Points 31-32 of the judgment on what rights have been infringed, then the Appellant does not recall this point being discussed in detail, the entire proceedings lacked focus, and in this unfocussed proceeding, such focussed points are added in the judgment as if to justify a wrong judgment by making him appear unable to answer this question.

The video recording of the Court proceedings can be examined to check the veracity of the above claim."

"9. When the Point 52 of the judgment says:

Moreover, the petitioner has merely averred, once or twice in the petition, that the rights of employees, working in the companies or organisation of respondent no. 7-8, are regularly violated.

the Appellant does not recall that he ever talked about the rights of employees working in Tata companies, which should be checked by video recording, and he requests the Hon'ble Court to consider this as a mischievous phrase even if used as an unforced option."

"The figures of criminal mining from these States when seen as a percentage of their Gross Domestic Product is highly alarming considering also their position in terms of per capita indicators as mentioned in the same addendum, and hence, the said remark in the judgment is callous both legally as well as in terms of the very human situation in these States."

[Emphasis Supplied]

(iii) Allegations of criminal defamation against the learned Single Judge, at page 25 of the appeal, as under:

"The Appellant is very surprised at the meaningless level of the argument considering that his legal issue with TIFR is no proof that he is doing anything improper by filing a Writ Petition (Criminal) addressing a very big criminal situation concerning the Tatas. The Appellant would like to press for criminal defamation charges under IPC 499 and 500 against anyone who made such a statement, and appropriate action against the Single Bench for putting it in the judgment without clarifying what point of law is involved. Furthermore, it was not proved that he would not raise these issues if had a different experience at TIFR."

[Emphasis Supplied]

(iv) Reference to his prayer in the underlying writ petition for punishment of death penalty by a firing squad for purported criminals, who are officials of government bodies, at page 30 of the appeal, as under:

"... The Appellant asks this Hon'ble Court should the crux of the Petition be ignored but his outrage that the criminals be shot by a firing squad be selectively picked to show that he does not know the law or that he is asking the Court to legislate? Once again, the Counsels from the opposite side had no meaningful arguments whatsoever."

[Emphasis Supplied]

(v) Further allegations against the learned Single Judge and the impugned judgment, at pages 33, 34, 35, 36 and 37 of the appeal, as under:

"21. In response to Point 52 of the judgment, Points 50, 58, 59, and 60 of the Petition and the Annexures mentioned therein contain evidence that the rights of the employees in many Tata-run public organisations have been trampled by imposing slave conditions, which draw inspiration from the feats of the Gulzarilal Nanda Ministry of Home Affairs in the 1960s. It is hard to ignore this evidence unless the Single Bench did not properly read the Petition."

"The judgment is not just baseless but also defamatory, and provides reasons for strict action against the Single Bench."

"one is very surprised that the higher level of Judiciary, such as this Hon'ble Court, would call a fundamental right as "valuable" right thereby openly saying that fundamental right being honoured is a luxury, which is a seditious statement no matter what the ground realities are."

"The Appellant states that the ethical grounds concerning a criminal, incorrect judgment stealing Article 14 from him on such an important Petition affecting the right of the people of this country to live properly suffocated by such a large criminal situation created by the Government and Tatas apply on the Single Bench and not him."

"Many of these criminal methods have been applied by Justice Sharma in her judgment who also stole the Appellant's Article 14."

"it must have taken a lot of insensitivity for Justice Sharma if she understood the Petitions to write this line ignoring that the institutions of national importance, Tata-run public organisations, Tata companies are criminal, and

Delhi Police en masse has given criminal, improper replies, while she did not give enough time to the Appellant to present his case in the hearing and then inserted lies in the judgment that he was given sufficient time."

"the Appellant states most humbly that it is the Single Bench that has abused the process of law by forcibly fitting the Petition into fixed categories."

"The Single Bench should be charged for criminal defamation under IPC 499 and 500 for making the aforesaid false, defamatory statement."

"In particular, considering that the summary of the Petition provided in Points 6-16 of the judgment is nearly correct but the judgment is incorrect, IPC 77 does not apply because it cannot be said that the judgment was given by the Single Bench "in the exercise of any power which is, or which in good faith he believes to be, given to him by law", and Judges (Protection) Act, 1985 (59 of 1985) does not apply because it cannot be said that the judgment was given by the Single Bench "in the course of, acting or purporting to act in the discharge of his official or judicial duty or function". Hence, the Judicial immunity does not apply to the Single Bench who must be prosecuted considering also the extreme importance of the matter for the country.

"The first sentence is in a stark contrast with terming the Petitions as an "abuse of process of law" in Point 101 of the judgment. Concerning the second sentence, the Appellant does not recall this point being discussed, which should be cross-checked by video recording because the judgment is outrageously criminal and wrong, it is possible that the Single Bench could try to escape

punishment by using this false claim, and he has asked the Police to consider applying IPC 192 and 193 on Justice Sharma. Clearly, if it was merely confirmed that he would represent himself, then that does not amount to the above quoted sentence with mischievous connotations.

The Appellant requests the Hon'ble Court that there should be an exemplary punishment given to the Single Bench because not only is the judgment wrong and defamatory, it could have the aforesaid escape mechanism to evade punishment if he were to not rebut it."

[Emphasis Supplied]

(vi) Averments against the Hon'ble Supreme Court, at page 40 of the appeal, as under: "There is also an extreme Constitutional situation. Consider the following line from Maneka Gandhi v. Union of India [1978] 1 SCC 248: I have no doubt that, in what may be called "unoccupied" portions of the vast sphere of personal liberty, the substantive as well as procedural laws made to cover them must satisfy the requirements of both Articles 14 and 19 of the Constitution. One might have derived pleasure reading such well-thought of lines from the Hon'ble Supreme Court but for the fact that by 1978, the theft of Articles 14 and 19 from the Government employees by the Gulzarilal Nanda Ministry of Home Affairs was 13 years old as per Point 50 of the Petition, institutionalised in at least 3 Tata-run organisations, illustrating a wide chasm of crime between the nuanced pronouncements of Judiciary and butchery of the law by Executive, primarily Delhi-based right under the nose of this Hon'ble Court and Hon'ble Supreme Court."

[Emphasis Supplied]

(vii) Allegations against the learned Single Judge in the grounds of the appeal, at pages 45 and 48, as under:

"(b) That the Single Bench stole the Appellant's fundamental right under Article 14 of the Constitution of India and lied in her judgment that he was heard at length."

"39. The Appellant states that he cannot say without proof that this judgment, which stole his fundamental right under Article 14 of Constitution of India, was written by the devil but he wonders if it could be written by anyone who is not verily the devil incarnate."

[Emphasis Supplied]

(viii) A prayer against the learned Single Judge that is common to three appeals, at pages 48 and 49, as under:

"(b) criminally charge the Single Bench for a meaningless, defamatory, criminal, seditious judgment on such an important issue under IPC 124A, 166A(b), 167, 192, 193, 217, 405, 409, 499, 500, and Section 16 of Contempt of Courts Act, 1971 (70 of 1971), and give her death penalty considering that such blatant trampling of fundamental rights in Constitution of India by a High Court Judge in performing her duty if not punished in the strictest sense could be understood by other Judges to destroy with impunity the Judicial system of this country from within;"

[Emphasis Supplied]"

4. The Division Bench-I while taking note of aforesaid serious allegations raised by the Contemnor, sought his explanation in the Court and observed that *the Court cannot disregard vilification of this magnitude*

against a judge of this Court and the Hon'ble Supreme Court and a fine line of distinction has to be drawn which separates critique from allegations fuelled by disdain and a hostile intent to scandalize the Court. Accordingly, the Division Bench-I directed issuance of show cause notice against the Contemnor as per aforenoted provisions of law.

5. To adjudicate the guilt of Contemnor, it is worthwhile to note the back forth of these petitions.

6. The Contemnor had preferred W.P.(Crl.) 1797/2023, W.P.(Crl.) 1798/2023 & W.P.(Crl.) 1809/2023 under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking a direction to the concerned respondents for immediate criminal prosecution of the respondents (Union of India, Delhi Police, Mumbai Police, Bengaluru Police, Sir Dorabji Tata Trust, Sir Ratan Tata Trust, Tata Companies including the especially Tata Sons Private Limited, Public Organisations, Government Ministries, Departments, Organizations, Appointment committee of cabinet consisting of Prime Minister and Home Minister of the country and private organizations in collusion with Tata) resulting in extreme crimes inflicted upon the petitioner and the people of India at large.

7. The abovesaid criminal writ petitions were disposed of by the learned Single Bench of this Court vide judgment dated 20.07.2023 *inter alia* holding as under:-

> *"**CONCLUSION***
>
> *106. In the present case, the writ petitions were fueled by an unknown purpose or motive which demonstrated a perversion to the Government, the process of the Court, the policies, the leaders past and present and all the Government authorities and institutions as well as the judicial system since the*

Supreme Court Judges of the past have also been targeted. The jurisdiction of this Court has been invoked to claim justice to meet ends which it is not designed for.

107. The facts as disclosed from the petitions which are confusing, incoherent, without basis, and being shorn of any material to support the same, invoked annoyance even to examine the same, given their absurdity and contemptuousness.

108. To conclude, this Court observes the following with regard to the merits of the petitions filed before this Court:

1. No facts or material has been pleaded or placed on record which was capable of supporting the claim of infringement of fundamental right under Article 21 of the petitioner for the purpose of passing any order or issuance of writ as prescribed under law.
2. The petitioner could not set out any facts or material on which he raises his claim to seek relief and, thus, the petition did not disclose either a reasonable cause or ground to invoke writ jurisdiction of this Court.
3. This Court found the petitions to be frivolous and vexatious as it challenged, demeaned, criticised and used language which is undeniably embarrassing and scandalous.
4. It was also devoid of any real issue being set out in intelligible form.
5. The pleadings, reliefs and declarations sought from this Court were impossible to respond to for the sheer magnanimity of their absurdness.

109. Due to the above reasons, this Court finds that filing of these writ petitions is certainly an abuse of process of law.

110. While the Courts are trying to do their best by

reforming and modernising access to justice, it is time to also explore ways of dealing with frivolous litigation-related issues and find appropriate responses through new policies while the law reforms are taking place in our country. Frivolous litigation should also be one of the focal points in the journey of judicial reforms as it will go a long way in achieving the major goal of ensuring a speedy and effective justice system.

111. The general public may just get glimpses of the data of a large number of pendency of cases before the Courts and, at times, may express their anguish about such pendency. But the phenomenon of litigation explosion, which includes the large number of frivolous and vexatious litigation, may not come to the notice in the public domain.

112. What one needs to focus on is also the fact that it cannot only be the responding party in the litigation but it is the public at large also who is affected by such abuse of the system. While a judge will be in a dilemma as the frivolous litigant will have to be heard as the Court has inherent jurisdiction and duty to hear a person who files a writ petition arguing that he is aggrieved, and though the self-represented vexatious litigant are a minute minority, their cases cannot be summarily rejected as they have a right to be heard. In any case, judicial orders in such cases are required to prevent future abusive proceedings. While imposing costs may be one way to tackle such litigation, there may be cases where the unpaid cost orders become another ground for seeking further indulgence from the Court.

113. While there can be no assumption that petitioner's claim in the writ petition is malicious prosecution, it is only after hearing the parties and going through its contents, which involves spending

judicial time which is more often than not beyond court hours since judges spend time reading the files before they start the hearings the next date, can be better invested for a better cause.

114. The petitioner in the present case is an alumni of IIT, Delhi and Bombay and has rather remained associated with IIT, Delhi, for long. It is stated that he has himself drafted the petition and was fully cognizant of his decision to proceed as a petitioner in person. Moreover, he demonstrated a sound understanding of the purpose and legal basis upon which he approached the court, assuming full responsibility for the contents of the petition and possessing relevant and substantiated materials within his possession and control. He was given a choice of being assisted by a counsel, but he refused to be assisted.

115. In this Court's opinion, reasonable sanctions and imposing the cost would go a long way in deterring such litigants before pursuing frivolous litigation.

116. It is made clear that this Court, by way of the present judgment, should not be taken to be laying down the law putting any restriction on the right of a citizen to access the Court or to curb noble and creative advocacy which may stunt the growth of jurisprudence or contributing meaningfully to the growth of law and ensuring implementation of fundamental rights in case of such violation but deter and de-clog the legal system of such frivolous litigation by fear of financial sanction and deter them from filing unfounded litigation.

117. While judicial restraint is a virtue, it has its limits and this Court can observe that these petitions have tested the said virtue. Still the present case tries to initiate a meaningful debate to balance the competing rules of protecting the right of a person

to freely access and pursue legal remedies in the Court and also redress the abusive process of frivolous litigation.

118. Given the volume of frivolous litigation staring hard at the overburdened judiciary, it is the right time for taking action against such litigants. The resolute stance expressed by this Court through this judgment endeavours to initiate a new paradigm and a debate calling for appropriate rules or law to deal with such limitations.

119. For the observations made and reasons recorded in the preceding discussion, this Court finds no merit in the aforesaid petitions.

120. Accordingly, the petitions are dismissed along with pending applications, being frivolous and devoid of merit, with cost of Rs.30,000/- in each petition.

121. The aforesaid cost imposed upon the petitioner shall be deposited in the following manner within a period of two weeks and compliance thereof shall be filed with the Registry:

(a) In W.P. (Crl) 1797/2023, the cost of Rs.30,000/- be deposited with Delhi High Court Bar Association Lawyers' Social Security & Welfare Fund, New Delhi.

(b) In W.P. (Crl) 1798/2023, the cost of Rs.30,000/- be deposited with Delhi High Court Bar Association Employees Welfare Fund, New Delhi.

(c) In W.P. (Crl) 1809/2023, the cost of Rs.30,000/- be deposited with Civil & Session Courts Stenographers Association, Delhi"

8. The Contemnor preferred the LPAs challenging the judgment dated 20.07.2023 passed by the learned Single Bench and when this Court

pursuant to order dated 31.08.2023 issued show cause notice to the Contemnor, he filed a reply, each and every word whereof is noteworthy and is as under:

> *"(1) The Appellant states that he approached the Hon'ble High Court of the national capital under Article 21 of the Constitution of India and instead the judgment stole his right under Article 14 with the theft hidden in one sentence in 50 pages that he could have easily missed.*
> *(2) The Appellant states that he is afraid that the notice (Annexure "A-7") is rather poorly worded as the following would illustrate and has his address incorrect.*
> *(3) When the notice says in Point 1:*
> *Right at the outset, we notice objectionable and shocking allegations against the learned Single Judge, government officials, as well as the Hon'ble Supreme Court, which are detailed hereinbelow.*
> *the Appellant requests the Hon'ble Court that it should take action against him by applying the criminal law if these are unsubstantiated allegations, an action he would strongly support because making such allegations against the Judiciary, which for a good reason has certain immunity, and Government Officials cannot be countenanced.*
> *(4) When the notice says in Point 1(iv):*
> *Reference to his prayer in the underlying writ petition for punishment of death penalty by a firing squad for purported criminals, who are officials of government bodies, at page 30 of the appeal, as under …*
> *One of the main corollaries of the W.P. (Crl) 1797/2023 is that a very large portion of Indian economy is criminally squatted over by the Tata companies aided by a super-Telgi scam run by the*

Government of India primarily operating out of Delhi. The situation has reached to such a level of farce played out most brazenly on this country that even the new Parliament building has been criminally built by the Tatas, and no action has been taken on his various representations on this issue including in this Hon'ble Court. Even the Indian armed forces are not spared from being provided services and equipment criminally by the Tatas.

This very disturbing reality implicates the top-level of the Government including PMO and Ministries.

If the Hon'ble Court thinks that he is wrong in his claims and should be given death penalty, he welcomes it. If the Hon'ble Court thinks that his claims are correct but he did not control his shock at such an outrageous situation, something that might have needed super-human capabilities, and went outside the rules and regulations for administering the death penalty, which he had not checked, and for this mistake, he should be given punishment, he welcomes it.

CrPC 354(5) says that the death sentence convict would be hanged by the neck. If there are no provisions of law as to where this sentence is to be executed and how tall the noose should be, then he requests this Hon'ble Court that these top criminals should be hung in a public place from a very tall noose so that the restoration of this country could be watched even from far.

This is a country facing an unprecedented legal storm started and countenanced by the top levels in its Executive since at least 18.2.1956 with the establishment of Tata Institute of Fundamental Research (TIFR) soon after a supposedly new, bright, hopeful chapter began in its troubled history, and this storm could not but be destined

to gobble this country from within, and even if it is stopped now, one must really deliberate as to how to recover the damages done to this country because the ramifications of this storm are huge, multi-faceted, and suffocating at the same time.

But clearly, before the Hon'ble Court grapples with all this, it must first decide on how to deal with a situation where the Appellant has dared to file such a Petition without euphemisms.

The Appellant also wonders if he would be charged for Criminal Contempt of Court for saying that his disgust knows no bounds that the Hon'ble High Court of the national capital has not heard him properly on this terrible legal storm unleashed on this country conjured by top criminal minds within the Government and Tatas but has treated him like a highly unwanted Petitioner by imposing fine, stealing Article 14 from him, inserting lies and defamatory statements attributed to him in their substandard documents.

(5) When the notice says in Point 1(vi):

Averments against the Hon'ble Supreme Court, at page 40 of the appeal, as under:

"There is also an extreme Constitutional situation. Consider the following line from Maneka Gandhi v. Union of India [1978] 1 SCC 248: I have no doubt that, in what may be called 'unoccupied' portions of the vast sphere of personal liberty, the substantive as well as procedural laws made to cover them must satisfy the requirements of both Articles 14 and 19 of the Constitution. One might have derived pleasure reading such well-thought of lines from the Hon'ble Supreme Court but for the fact that by 1978, the theft of Articles 14 and 19 from the Government employees by the Gulzarilal Nanda Ministry of Home Affairs was 13 years old as per

Point 50 of the Petition, institutionalised in at least 3 Tata-run organisations, illustrating a wide chasm of crime between the nuanced pronouncements of Judiciary and butchery of the law by Executive, primarily Delhi-based right under the nose of this Hon'ble Court and Hon'ble Supreme Court".

the Appellant wishes to be criminally charged at least for being logically-challenged since he cannot find anything in the above quote against the Hon'ble Supreme Court, and if there is no law under which he could be charged with, then the Double Bench should be charged for criminal defamation.

(6) The Appellant states that he cannot understand how as per Point 1(vii) by wondering that the judgment that stole Article 14 of the Constitution of India could be written by anyone who is not a devil-incarnate when that person is a high-level custodian of the Constitution of India amounts to making an "allegation".

(7) When the notice says in Point 2:

Upon reading the above averments, it was put to the Appellant, who appears in person, to render an explanation for the same, however, none is forthcoming.

this is an ambiguously worded sentence because it could mean that the Appellant failed to provide a proper response considering that he was asked to justify his asking for the death penalty for the Single Bench in the 31.8.2023 hearing that he responded to, which was the only thing he was asked or it could mean that the Double Bench did not understand the averments. The Appellant states that he finds such loose wording quite strange and unbecoming of the authority of the Hon'ble Court.

(8) When the notice says in Point 2:

The present appeal contains unsubstantiated and whimsical allegations of criminal acts by learned Single Judge seeking the punishment of death penalty and a comparison of the judge to the devil, which is distasteful and unacceptable.

If the Hon'ble Court has already made up its mind that the allegations are such, then what is the point of this notice or stopping the Hon'ble Court from punishing him?

The death penalty can be justified as follows where each IPC provision is followed in the parenthesis by its maximum prison sentence without going into the finer details if it is rigorous imprisonment and leaving aside IPC 124A considering a bar on its prosecution by the Hon'ble Supreme Court: IPC 166A(b) (2 years), 167 (3 years), 193 (3 years), 217 (2 years), 370 (10 years), 409 (10 years), 500 (2 years), and Section 16 of Contempt of Courts Act, 1971 (70 of 1971) (0.5 years). Please note that the application of IPC 370 is justified in Point 36 of W.P. (Crl) 1797/2023 because his right under Article 14 was trampled over by the Single Bench, and he had forgotten to include this in L.P.A. So, the maximum sentence amounts in total to 32.5 years of imprisonment without multiple counts since the wrong judgment trampled over Article 21 of almost everyone in this country and considering the exalted position of the Single Bench, it fits the exceptions to give the death penalty.

The phrase "comparison of the judge to the devil" is an incorrect interpretation because wondering if the judgment could be written by anyone who is not verily the devil incarnate is a weaker statement than comparing the Judge to the devil, and he is appalled with such an exaggeration by the Hon'ble Court, and the phrase is selectively quoted as the same sentence

talks of the theft of Article 14 by the Single Bench.
(9) When the notice says in Point 2:
The Appellant, shockingly, also makes allegations against the Hon'ble Supreme Court and even emphasises punishment of death penalty for government officials by a firing squad.
there is no allegation made against the Hon'ble Supreme Court and the remaining issue has been answered in Point (4). He also finds the mention of Hon'ble Supreme Court and firing squad in the same breath as unfortunate that could be construed as defamatory because he never said anything like that in W.P. (Crl) 1797/2023 or its L.P.A. 612/2023.
In Point 29 of W.P. (Crl) 1797/2023, the Appellant had said that the Hon'ble Supreme Court had reviewed its judgment on a very big issue if a Society under Societies Registration Act, 1860 (21 of 1860) was a State under Article 12, where the decision changed from no to yes, without bothering about the underlying issue that such a Society is criminal by its very establishment as per the W.P. (Crl) 1798/2023 filed by him, and this made the said judgment and its review a meaningless exercise. This is a criticism of the Hon'ble Supreme Court backed by evidence that could be construed as defamatory if the evidence does not hold but instead of going through this exercise, it is very surprising that the Double Bench is so careless in using such language.
(10) When the notice says in Point 2:
These averments, extracted hereinabove, are prima facie aimed at scandalising and lowering the authority of the Court. In our opinion, the statements have been advanced with the malafide intention to interfere with the administration of justice. ...There is fine line of distinction which

separates critique from allegations fuelled by disdain and a hostile intent to scandalise the court. The pleadings in the present appeal amount to the latter category and must be taken cognizance of.

one would have hoped that this Hon'ble Court would not be so careless in making such statements because it has no method of proving the Appellant's intention when the judgment is wrong, his averments are not proved wrong at least yet, and hence, such sentences are defamatory.

The Appellant states unequivocally that he never has had any intention to vilify, scandalise, or lower the authority of any Court, interfere with the administration of justice, or have any hostility for any Court, and in the present case, his disdain is limited only to the substandard, improper judgment and this notice.

(11) When the notice says in Point 2:

This Court cannot disregard vilification of this magnitude against a judge of this Court and the Hon'ble Supreme Court.

the Double Bench shows no apparent concern as elicited by its lack of acknowledgement that the Single Bench stole Article 14 of the Constitution of India from the Appellant, and in doing so, it illustrates its lack of composure, possibly because it has never been challenged like this, which would be rather unfortunate if correct for meaningful, pinching arguments are intrinsic to the business of administration of justice, by siding with the Single Bench even to the point of forgetting its sworn custodianship of the Constitution of India and that too on an issue as big as the Single Bench stealing a fundamental right from the Petitioner.

Double Bench should be criminally charged with

defamation against the Appellant as well as the Hon'ble Supreme Court.

(12) The Appellant states that a remarkable event that took place in the hearing presided over by the Single Bench was that when he said that these crimes started under the Government of the Barrister Jawaharlal Nehru, the Single Bench interjected by saying that no names should be taken, which can be checked by video recording. Clearly, there cannot be any proper legal provision supporting her stand since we are in the business of calling spade a spade if the law says so, and hence, she should be charged with another count of Criminal Contempt of Court.

For the sake of completeness, the Appellant states that he is extremely conflicted about Nehru because on one side, he learnt very much from his book 'Discovery of India' including on the vested interests that helped him put into perspective the silent mob aspect of present-day India that is the underlying theme of this Petition and on the other side, it cannot be denied that his Government laid the seeds for rampant crime that exists in India today by giving into criminal entities like the Tatas.

(13) The Appellant states that it was implicit in his filing the appeal that he was challenging all aspects of the judgment including the fine and he wants to make an explicit mention to be on the safer side.

(14) The Appellant states that he does not want to defend himself any further than this and stands by all his written submissions to this Hon'ble Court.

(15) The Appellant states that if this Hon'ble Court wishes to give him a prison sentence, he requests rigorous imprisonment till death penalty is given, if it is to be given.

(16) The Appellant states that if the Double Bench

fails to provide a satisfactory response to the above charges of defamation, selective quotes, and lack of acknowledgement of theft of Article 14 of the Constitution of India by the Single Bench, then he requests this Hon'ble Court to initiate appropriate criminal proceedings against the Double Bench including for Criminal Contempt of Court with exemplary punishments considering the exalted positions they occupy.

(17) On the issue of Applications under CrPC 482 accompanying the L.P.A. listed as Civil Miscellaneous instead of Criminal Miscellaneous that the Appellant raised in the 31.8.2023 hearing, he approached the listing and filing branches as he was told by the Hon'ble Court, and the latter asked him if the Hon'ble Court issued any directions to make them as Criminal Miscellaneous. He requests the Hon'ble Court to issue appropriate directions to make this change although he is surprised that the error is repeated in the notice by the Double Bench. The addendum dated 29.8.2023 on this issue to his Police Complaint dated 11.8.2023 against the Single Bench is provided as Annexure "A-8", which he had filed considering the importance of the issue because a Criminal issue is treated as Civil. The second attachment of this addendum is the 400+ pages long 31.8.2023 cause list, which is omitted.

Lastly, there is nothing whatsoever in the cited judgment: T. Arivandandam v. T.V. Satyapal [1977] 4 SCC 467 that envisages a role for the Bar Council to stop or be a check even for "ethical conduct" for a Petitioner-in-person approaching the Court as was mentioned in Points 87-91 of the judgment. An abuse of process of law by individuals cannot be a reason to take away or put an improper check on the exercise of their right to approach the Courts particularly

when such situations are dealt with the existing law: Chapter X of IPC. If the Appellant has done anything to attract the might of criminal law, then he should face the music."

9. In addition to the above, the Contemnor made a complaint dated 11.8.2023 to SHO, Police Station, Tilak Marg, Delhi stating as under:

"To,
The Station House Officer
Tilak Marg Police Station
New Delhi 110 001
Dear Sir:
I had filed 3 Writ Petitions (Criminal) at the Hon'ble Delhi High Court with numbers: 1797, 1798, and 1809 of 2023. In a judgment delivered on 20.7.2023, Justice Swarana Kanta Sharma, dismissed all these three Petitions. I am planning to file a Letters Patent Appeal (LPA) for all these 3 Petitions.
I attach the certified copy of the judgment obtained from the Hon'ble Delhi High Court. One could also obtain this judgment from http://164.100.69.66/jsearch/ by entering the aforesaid case numbers.
The judgment is criminal on many counts with cognisable offences.
Since the proper process to initiate the prosecution of these offences is through the Police, hence, I am approaching you. It is your decision if you want to wait for the Court to make a decision before acting on this complaint for a large part but there are two following issues on which it won't be proper for you to wait and you should act right away.
The other issues are mentioned in LPAs and I would provide their copy
to you when I submit them.

First issue

Point 66 of the attached judgment says:

"Therefore, the reliefs sought before this Court through all the three petitions unequivocally fall short and do not meet the standards of either factual or legal sufficiency. Furthermore, the language employed in the petition is deficient and does not make out a case for grant of any of the reliefs prayed for. The petitioner has failed to show that any of the fundamental rights so claimed by him within the ambit of Article 21 of Constitution i.e. "right to have public organisations which are not criminally established" or "right to seek one's own criminal records" are covered under Article 21 to further probe any violation of the same".

The second sentence says unequivocally that the justice cannot be provided because of the language, which cannot be confused with the legal arguments as per the first sentence. This stand is against Article 14 of Constitution of India that says that unrelated issues cannot be mixed. Hence, Justice Sharma should be immediately charged under IPC 124A, 166A(b), 167, 217, 405, and 409. Considering her exalted position, exemplary punishment should be given to her.

Notwithstanding the bar on the prosecution of IPC 124A from the Hon'ble Supreme Court in Writ Petition (Civil) No. 682 of 2021, the other IPC Sections should be applied.

It is ironic and alarming that in Writ Petition (Criminal) No. 1797 of 2023, I provide evidence that Gulzarilal Nanda Ministry of Home Affairs in the 1960s stole Article 14 of Constitution of India from the Government employees only to find out that the Judge deciding the matter did the same to me on my 3 Petitions, 2 of which are of huge

significance for the country.
Second issue

Point 114 of the judgment says:
"He was given a choice of being assisted by a counsel; but he refused to be assisted".
I do not recall this point being discussed, which should be cross-checked by video recording of the Court proceedings. I was not given adequate time to present my arguments as she said that she already understood them from the Petition, which she complimented as well written, and the judgment is in stark contrast to what transpired in the Court. Clearly, if it was merely confirmed that I would represent myself, then that does not amount to the above quoted sentence with mischievous connotations. Nothing in this complaint should be construed as saying that I wanted a counsel to represent me, and I was happy to represent myself.
Charges under IPC 192 and 193 should be considered.
I guess why this issue is important is that the judgment is outrageously criminal, my Writ Petitions are of extreme importance to the country, and such mischievous lies if not rebutted could be later used to rationalise the wrong decision.
Judges have judicial immunity but it does not apply in this case because IPC 77 does not apply as it cannot be said that the judgment was given by the Judge "in the exercise of any power which is, or which in good faith he believes to be, given to him by law", and Judges (Protection) Act, 1985 (59 of 1985) does not apply as it cannot be said that the judgment was given by the Judge "in the course of, acting or purporting to act in the discharge of his official or judicial duty or

function".
This complaint would be added to my LPAs.
I am in Delhi for some more time and would be available for anything you need from my end. If you think that you are faced with a new situation of Police complaint against a Judge for his/her decision, then you should convince yourself that the law does not put any restriction on the prosecution of Judges when there is proper evidence. There is a process to be followed for the prosecution of Judges at the higher level of Judiciary, and you should please follow that. Violation of Article 14 is undeniable evidence for you to initiate criminal proceedings and you should not be found wanting.
There could be other issues as well in the judgment and I should be allowed to file addenda to this complaint later.
My aadhar card is attached. I had earlier approached you with two Police complaints dated 17.12.2021 and 16.5.2022 against the Judges of Hon'ble Supreme Court.
Lastly, I cannot say without proof that this judgment, which stole my fundamental right under Article 14 of Constitution of India, was written by the devil but I wonder if it could be written by anyone who is not verily the devil incarnate."

10. Thereafter, Contemnor sent another email dated 29.08.2023 to the SHO, Police Station Tilak Marg as an addendum to the aforementioned complaint stating as under:

"Dear SHO Tilak Marg Police Station:
I wish to file another addendum.
My LPAs are now listed as 611, 612, 613 of 2023 on 31.8.2023 before
the Division Bench in Court # 1.
On 28.8.2023, I went to the Tilak Marg Police

Station to give a copy of LPAs as I had promised. I gave a copy of this complaint as well as a soft copy of the LPAs to the Reader. Very surprisingly, I was told by the Reader that they may not have received a copy of this complaint from delpol.service@delhipolice.gov.in where I had sent the complaint to. Isn't this extremely strange? There is another matter now. The applications accompanying the LPAs were Criminal Miscellaneous Applications under Section 482 of the Code of Criminal Procedure (CrPC). But they have been listed as CM, implying Civil Miscellaneous as Criminal Miscellaneous is denoted by Crl. M.A. in the same listing document, which is the "Cause List of Sitting of Benches for 31.08.2023" provided at: https://delhihighcourt.nic.in/uploads/causelists/160327282664ede499eaffe.pdf, which is also attached.

I am afraid the criminal situations addressed in my Petitions are so big that I cannot take any chances and am filing this Police complaint against this dilution of a criminal matter into a civil matter. Even if it turns out that this is a clerical error, I am still well within my rights to file a Police complaint under IPC 166A(b), 167, and 218, where intent is implied in the error and injury within the meaning of IPC 167 is to those who are affected by the crimes against which the Petitions are filed. Furthermore, I was asked to give an undertaking yesterday because I refused to do Service to the Civil Counsel of Delhi Police insisting that this is a Criminal matter and I have already served the Criminal Counsel of Delhi Police. A copy of these undertakings is attached for each LPA.

I propose to provide a copy of this Police complaint to the Court on 31.8.2023.

> *All my 3 Petitions deal with aspects of mob attacks on this country or, in one case concerning Delhi Police, me, and these attacks are in the mode of committing crime upon crime and it is for the legal system to judge if this is done to make the prosecution difficult. I say without any imputation that this complaint provides two instances namely one concerning thief Justice Sharma and second concerning the aforesaid error where among the highest institutions of Judiciary namely Delhi High Court in the national capital is involved in making the criminal situation more complicated by committing crime upon crime"*

11. It is relevant to mention that Contemnor in the complaint dated 29.08.2023 via email has specifically mentioned that the three petitions deal with the aspects of mob attacks on this country, Delhi Police and him and it is for the legal system to judge if this is done to make the prosecution difficult. He said without any imputation that his complaint provides the instances, one, concerning **thief Justice Sharma** of this Court and secondly, concerning the aforesaid error where among the highest institutions of judiciary, namely, **Delhi High Court in the National Capital is involved in making the criminal situation more complicated by committing crime** upon crime.

12. The Contemnor has sought criminal action against the learned Single Judge by stating that Article 14 of the Constitution of India does not allow mixing unrelated thing, and so the Single Bench should be criminally charged with. The Contemnor has also raised derogatory allegations against the Hon'ble Supreme Court and even emphasizes punishment of death penalty.

13. After perusing the Judgment dated 20.07.2023, the order dated 31.08.2023, the contents of the LPAs and two complaints made to the SHO via e-mail, this Court is highly shocked to note the averments made by the Contemnor. The Contemnor who claims to have been educated in engineering and science from one of the most reputed educational institutions of India i.e. Indian Institute of Technology, Kanpur, Bombay and in USA, is expected to respect the Constitutionality of India and have faith in the legal system of law. As a responsible citizen of the Country, the Contemnor is expected to set-forth his grievances in a civilized manner, maintaining the dignity of the Court and judicial process of law. Even if, it is taken that Contemnor due to outrage preferred the writ petitions, but despite issuance of Show Cause Notice, he without pleading guilty, filed a highly disrespectful reply thereto, which explicitly show that he has no guilt to his actions. Rather, the Contemnor has stated that he has no remorse to whatever he did and he stands by the same. The Contemnor has used utter derogatory language for the learned Single Bench to the extent of saying that the learned Single Judge is a '*thief'* and he has full proof of the same.

14. Today, the Contemnor is present in the Court and this Court has extensively heard him for a substantial time.

15. Learned Central Government Standing Counsel appearing on behalf of respondent-UOI submits that since Contemnor is present in the Court, he should be directed to tender unconditional apology for his conduct and allegations. On the other hand, the Contemnor has submitted that he stands by whatever allegations he has made, either against the learned Single Bench or against the officers of Government of India and the judiciary.

16. Having considered the material placed on record, submissions of

Contemnor and the counsel opposite, this Court is of the opinion that Contemnor has no repentance for his conduct and actions.

17. Accordingly, we hereby hold the Contemnor guilty of the Contempt of Courts Act, 1971 and consequently, we sentence him to undergo simple imprisonment for a period of 6 months with fine of Rs.2,000/- and in default of payment of fine, he shall undergo simple imprisonment of seven days. The Contemnor is directed to be taken into custody by HC Vinod (Naib Court), who shall handover his custody to the Tihar Jail, Delhi today itself.

18. Registry is directed to prepare arrest warrants and committal warrants against the Contemnor forthwith.

19. Copy of this order be provided to the Contemnor and HC Vinod *dasti* under the signatures of Court Master.

20. At this stage, the Contemnor has requested this Court to allow him to go to the hotel, i.e. Minimalist Hotel, Hauz Khas Village, Delhi. We accept his request and direct the SHO, Police Station Tilak Marg, Delhi to take him to the aforesaid hotel where he is staying and allow him to check out and thereafter he will be taken to the Tihar Jail as mentioned above.

21. With directions as aforesaid, these petitions are accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

OCTOBER 31, 2023/ab