

(2000) 04 RAJ CK 0072

In the Rajasthan High Court

Case No : Criminal Miscellaneous Contempt Petition No. 3 of 1999

The State of Rajasthan

APPELLANT

Vs

Hem Raj Jain

RESPONDENT

Date of Decision : 05-04-2000

Acts Referred:

Contempt of Courts Act, 1971 — Section 12, 15, 2

Citation : (2000) 2 RLW 1279 : (2000) 3 WLC 716 : (2000) 2 WLN 95

Hon'ble Judges : N.N. Mathur, J;D.N. Joshi, J

Bench : Division Bench

Judgement

N.N. Mathur, J.—This is a suo moto contempt proceedings u/s 15(2) of the Contempt of Courts Act, 1971, hereinafter referred to as "the Act", registered by order of this court dated 5.2.1999 against contemner respondent Hemraj, for contemptuous statement made by him against the "Judiciary" in his representation dated 23.12.1998 addressed to Hon"ble Chief Minister and Law Minister of the State of Rajasthan. In response to the notice, he appeared before this court on 7.4.1999. On his request, the court directed the Dy. Registrar (Judicial) to supply the copy of the order dated 5.2.1999 and such other relevant documents as may be available in the proceedings and are claimed by him. He was also permitted to make inspection of the proceedings and demand such copies as are necessary for him to defend himself in the contempt proceedings. The registry complied with the order dated 7.4.1999. The respondent has not made any grievance with respect to compliance of the order dated 7.4.1999. The case was adjourned to 7th May, 1999. He did not appear on 7.5.1999. Thus, a bailable warrant was issued to secure his presence, returnable on 23.8.1999. The case was adjourned from time to time as the warrant could not be executed on the respondent. The Superintendent of Police, Kota was directed to depute a responsible officer to get the bailable warrant executed on the respondent. Ultimately on 22.3.2000, the respondent appeared before this Court. The Court asked him if needs the services of a lawyer, which can be arranged at the State expenses. He declined and claimed himself an expert on the Law of Contempt.

He also submitted that there is nothing in his representation dt. 23.12.1998, addressed to the Hon"ble Chief Minister and Hon"ble Law Minister of State of Rajasthan, which constitutes an offence of criminal contempt. He asked us to point out the contents from the representation, which constitutes an offence of criminal contempt. The Court read over the accusations as contained in paras 9, 12, 13, 14 and 15(b) and the relief claimed. He also read said paras with the Court and marked them, as directed by the court. He sought time for filing the reply and to argue the matter. The case was adjourned to 4.4.2000.

2. We have heard contemner respondent Hemraj and Mr. R.P. Vyas, learned Additional Advocate General.

3. The contents of representation dt. 23.12.1998, addressed to the Hon"ble Chief Minister and Hon"ble Law Minister of the Government of Rajasthan, by contemner Hemraj, are summarised as follows:

4. The contemner claims to be an Engineering Graduate. He established an industry in the name of Bhartiya Engineering Services at Kota after taking loan from the different financial institutions. The party No. 1 in the representation i.e. Murarilal Goyal has been described as an owner of the plot, on which he established his factory. It is averred that the first party is a Gazetted Officer in the Telephone Department. He is competent to influence the public servants. It is alleged that on 6.1.1989, an accident took place in which four employees of his industry were seriously injured. The accident took place because of the negligence of the second and third party namely J.K. Synthetics Ltd. and Orient Transport Company. However, the matter was somehow hushed up by the police under the influence of second and third parties. It is also averred that the first party asked him to enhance the rent of the plot from 1600/- to 1900/-. He malafidely got the electric and water connections disconnected. He also sent certain "Gundaas" on the premises of the industry. He filed a suit for temporary injunction in the civil court in the year 1989. By interim order, disconnection was restored subject to payment of rent and water charges. He has given details of the civil and criminal cases concerning him. In para 9, he has stated that in a suit for eviction by the first party, the court determined the rent. He preferred an appeal against the said order before the High Court. However, the first party abusing the judicial proceeding got his appeal dismissed. The contempt proceedings before the civil court were also somehow got disposed of. He made a complaint against the Presiding Officer of the Civil Court to the Registrar Vigilance of the Rajasthan High Court at Jaipur but the said complaint has been hushed-up by the High Court. He also stated that the Rajasthan Judiciary has become centre of criminals. The cases of corruptions are being disposed of by the High Court by initiating criminal contempt proceedings. He has also referred to certain activities of political leaders and police officers. They are not relevant in the present context, as such, it is not necessary to state all those allegations. It also appears that some proceedings were initiated against that the contemner respondent, which included attachment of the machinery etc.

lying on the plot for the recovery of the amount of loan due against him at the instance of Financial Institutions. This led him to make complaints against all concern. He has referred to various criminal cases. In para 13, he has stated that the Presiding Officer and the Reader of the Civil Court abusing the judicial proceedings, has passed the ex parte decree in the eviction suit. He made a complaint to the District Judge for criminal judicial enquiry against the Civil Judge but the District Judge disposed-of the same. He has also made certain complaints against the lawyers. In para 14, he has referred to the list of cases as given in Schedules 1 and 2. It is stressed that inspite of civil and criminal proceedings, he has not been able to get the justice either from the Rajasthan High Court or the subordinate courts. It is averred that the reason for not getting justice is criminalisation in Judiciary on large scale. He has also stated that because of the fundamental defects in the judicial system, he has been deprived of his livelihood. He has requested the Hon"ble Chief Minister and Hon"ble Law Minister, Govt. of Rajasthan to enquire into the pending cases in the Rajasthan High Court and the Subordinate Courts as to how the powers vested in the courts have been misused. He has prayed that through the Ministry of Law, the Rajasthan High Court should be asked to submit the annual reports of their working before the Rajasthan Legislative Assembly containing the information as to in how many cases, injunctions have been granted, for what time and at whose instance. The Rajasthan High Court should also be directed to submit a monthly report as are being submitted by the District Court to be placed before the Rajasthan Legislative Assembly.

5. For ready reference, the contents of paras 9, 12, 13, 14, 15(b), 15(c) and the relief clause are extracted as follows:

?9?;g fd Irr dUVsEiVuj vizkFkhZ dze 1] dks xSj dkuwuh ykHk nsrs gq, bu[yk; okn es Hkonh; ds fo:) fdjk;k fu/kkZj.k fd;k x;k ftlds fo:) Hkonh; us ekuuh; mPp U;k;ky; es vihy dh ftles QkStnkjh dUVsEiV djrs gq, U;kf;d dk;Zokgh;ks dk nq:Ik;ksx djds vizkFkhZ dze 1 }kjk vihy [kkfjt djok;h x;h Avkns"k fnukad 16-7-1991 izdj.k la[k;k fofo/k vihy nhokuh 368@91 ftlds fo:) Hkonh; }kjk 25-1-1989 dk Vh-vkbZ- Hkonh; ds i{k es ikfjr djus okys eqafIQ nf{k.k U;k;ky; es QkStnkjh dUVsEiV dh dk;Zokgh pyk;h xbZ ijUrq mls ihBklhu vf/kdkjh }kjk vkns"k fnukad 28-1-1997 }kjk jQk nQk fd;k x;k ftlds IEcU/k Hkonh; }kjk jkftLV? kj fothysal mPp U;k;ky; t;iqj dks Hkonh; }kjk lwfpr fd;k x;k o jftLV?kj fothysal }kjk Hkonh; ls "kiFki= eaxokdj bl ekeys dk fuiVkj djus ds cgkus ?i= dzekad vfr@jft-@lrZdrk@228@97@1406 fnukad 4-12-1997? vijkf/k;ks dk dsUnz cu xbZ jktLFkku dh U;k;ikfydk }kjk gkbZdksVZ es gq, Hkz"Vkpj tfur QkStnkjh dUVsEiV dks vktdy jQk nQk fd;k tk jgk gSA

?12? ;g fd mijksDr of.kZr Vh-vkbZ- fnukad 25@1@1989] Vh-vkbZ fnukad 26-10-1990] e"khuh ftyht vkns"k fnukad 8-2-1993 fuxjkuh vkns"k fnukad 25-2-1994 o fuxjkuh vkns"k fnukad 17-12-1994 Hkonh; ds i{k es gksus ds cktwn Hkonh; iqfyl ds ikl vizkFkhZ dze A ds Irr O;o/kku o xq.MkxnhZ dh f"kd;rs yxkrkj ntZ djrs jgus ds cktwn o iqfyl@vnkyr es 467 vkbZ-ih-lh- bR;kfn

dh dk;Zokgh vizkFkhZ dhe 4 ds fo:) yfEcr jgus ds cktwn Hkonh; dk dkj[kkuk iqfyl dh "kg ij eqyftekuks dh lrr xq.MkxnhZ] vkijkf/kd xfrfof/k;ks o vkijkf/kd "kM;a=ks dh otg ls Bi gks x;k o dkj[kkus dh e"khush rFkk leku Hkonh; ls xSj dkuwuh fNu fy;k x;k rFkk sj lkjh vnkyrks o iqfyl dk;Zokgh;ks Hkonh; ds dqN Hkh dke uk vk ldh ;g ns[kdj Hkonh; cgqr nq%[kh gqvk rFkk 1993 Qjohj ds ckn ls Hkonh; dks vius eqdnes Loa; gh yM+us dk QSlyk etcwju blfy, djuk iM+k D;ksfd vfHkHkk"kd iqfyl dh feyh Hkxr ls gks eqyfteks dh xqq.MkxnhZ o vU; vij/kks ls Hkonh; dks mlds ifjokj dks o mlds dkj[kkus dsk ugh cpk ik jgs Fks o bl rjg vkFkksfjVh vkQ ykW dsk rksvkj gksus ns jgs Fks A U;k;ikfydk ls Hkonh; dks dksbZ U;k; ugh fnyok ik jgs Fks cfYd mYVl lrr dUVsiVuj o vij/kh;ks dks ykHk feyrk gqvk fufjfyIV Hkko ls ns[k jgs Fks ArFkk izHkko"kkjh dkuwuh dk;Zokgh;ka ugh pyk ik jgs Fks o Hkonh; dh vkthfodk dh lqj{kk dks dkuwuu visf{kr xaHkhjrk ls ugh ys jgs FksAvr% Hkonh; }kjk eqdnes vius gkFk es ysdj vij/kh;ks ls Hkonh; dks] mlds ifjokj dks o mlds O;olk; dks dkuwuu visf{kr jkgr fnyokus ds mnns"; ls ? d? QkStnkjh izdj.k la[;k 1]2]4]5]6]8]9 o QkStnkjh duVsEiV ?QSlyk fnukad 28-1-1997?dh U;kf;d dk;Zokgh;ka Qjohj 1993 ds ckn laLFkr dh x;h tks vkt Hkh yfEcr gSA ?[k?lkE;k ds fl)kUrks ij bDohVscy jsesMh izkIr djus ds fy,] Hkonh; ds O;olk; dks ?kkrd gkfuls cpkus ds mnns"; ls Hkonh; }kjk ?kks"k.kk dk ,d okn nhokuh izdj.k la[;k 5 vizkFkhZ dhe 7 ds fo:) Hkh izkFkhZ }kjk 1994 es izLqr fd;k x;k A rFkk ?x? vizkFkhZx.k Ayxk;r 6 ds nq"d`R;ks@vid`R;ks ds dkj.k Hkonh; dk dkj[kkuk cUn gks x;k o fNu x;k ftlds QyLo:i izkFkhZ dh cktkj es dkQh nsunkjh;ka c x;h e"khush fey tkus ds ckn Hkh fcuk /ku O;OkLFkk ds dkj[kkuk pykuk vlaHko gksus ds ennsutj vizkFkhZx.k A yxk;r 6 ds fo:) {kfriwfrZ@izfrdj dk ,d okn Hkh Hkonh; }kjk tuojuh 1996 es yxk;k x;k ftles dkj[kkuk rqjUr pkyw djus ds mnns"; ls varfje jkgrks dh izkFkZuk Hkh dh xbZ ;g okn Hkonh; ds vkfFkZd dfBukb;ks ds dkj.k vkns"k 33 fu;e 2 O; iz0 la0 ds vUrZxr yxk;k x;k A vkMZj 33 :y 2 lhihlh dk ;g izkFkZuki= fnukad 11-9-1998 dks [kkfjt fd;k x;k Aftlds lECU/k es izkFkhZ } kjk Hkkjrh; lafo/kku ds vuqPNsn 21 ds vUrZxr fjV ;kfpdk dh dk;Zokgh pykbZ tk jgh gSA

?13? ;g fd bl chp vizkFkhZ dhe A mlds vfHkHkk"kd] eqafIQ nf{k.k U;k;ky; ds ihBklhu vf/kdkjh o jhM+k }kjk U;kf;d dk;Zokgh dk nq:Ik;ksx djrs gq, Hkonh; dks bu[yk; okn es ,DI ikVhZ dkj fn;k x;k gS ftlds lECU/k es izkFkhZ us ftyk U;k;/kh"k dks vkijkf/kd U;kf;d tkap djokus gsrq f"kd;k;r Hkh dh A ijUrq bls Hkh jQk&nQk fd;k tk jgk gSA rFkk blh bu[yk; okn es vihy dh dk;Zokgh nhokuh izdj.k la[;k 18 o 20 es fely rych ds vkns"kks ds tkjh gksus ds cktwn ewy i=koyh xSj dkuwuu jksddj bu[yk; okn es vkns"k djok fn;s ftlds lECU/k es Hkonh; us nhokuh vihy izdj.k la[;k 9 Hkh pykbZ ijUrq bu lc ds cktwn Hkonh; dks lwfpr fd;s fcuk fnukad 25-1-1989 rFkk 26-10-1990 ds Vh vkbZ ds cktwn Hkonh; ds dkj[kkus ds rkys rksM+s x;s o dkj[kkus es iM+s lkeku ij vizkf/kd "kM+;U= }kjk QksStnkjh dUVsEiV djrs gq, xSj dkuwuu dCtk fd;k x;k A bu lcds lECU/k es Hkonh; }kjk jftLV? kj fothyaasl t;iqj ds ikl f"kd;k;r] ckWj dkSflay] tks/kiqj es izksQsluy fed.MsDV ds fy, ,M+oksdsV ,DV dh /kkjk 33 ds vUrZxr vizkFkhZ dhe Ads vfHkHkk"kd x.k dks Mhckj djokus dh dk;Zokgh rFkk nhokuh izdj.k la[;k 3]11]13]14]21]22 dh dk;Zokgh;ka pyk;h tk jgh gSSA ekU;oj ;gka ;g mYys[k izkalfxd gsS fd izkFkhZ us

Loa; vizkFkhZ dzeA ds vfHkHkk"kdX.k o bU[yk; okn ls lEcFU/kr fofHkUu ihBklhu vf/kdkjh;ks dks fiNys 4 lkyks ?1993&1997? es vnkyrh dk;Zokgh;ka ds nkSjku gh ckr djrs o fVIi.kh;ak djrs gq, lquk gS ftudk lnSo gh vk"K; jgk gS fd mijksDr dze 9 of.kZr vkijkf/kd dUVsEiV djds mPp U;k;ky; ls fdjk;k fu/kkZj.k vihy es izkIr fd;k x;k dkuwuu fujLrh; vkns"K fnukad 16-7-1991 dsk mPp U;k;ky; dh xfjek ds ennsutj fdLh rjg lqjf{kr j[kk tkos o blh ea"kk ds vuqdzs es bu[yk; okn es Hkonh; ds oS/k fgrks dks uqdlku igqapkus ds izfr U;kf;d leqnk; ?cSp o ckj ?dkuwuu vkifRrtud :i ls vfr mRlkfgr o laosnu"Khy jgk A

?14? ;g fd layXu lwph dze 1 o 2 ?nhokuh QkSTknkj izdj.k? dh U;kf;d dk;Zokgh;ka ds cktwn jktLFkku mPp U;k;ky; o blds v/khuLFk U;k;ky; ls Hkonh; dks vHkh rd dksbZ U;k; o jkgr ugh fey ik;h gSA D;ksf jktLFkku dh U;kf;d O;oLFkk dk O;kid Lrj ij vijkf/kdj.k gksus ls bues ?kksj vU;k; O;kIr gks x;k gSA ftlds izHkko"Kkyh funku gsrq Hkonh; us vuqrks"Kks es vkosnu Hkh fd;k gSA ijUrq jktLFkku dh U;kf;d O;oLFkk es bu cqfu;knh [kkfe;ks ds iSnk gks tkus ds dkj.k Hkonh; o mlds ifjokj vthfodk ls oafpr gSA ifjokjtus dh chekj;ks dk leqfpr bZykt ugh gks ikrk gS ftlds dkj.k ifjokj tus dks LFkk;h "kkfjjhd {kfr;ka Hkh gqbZ gS o gks jgh gSA cPpks dh ikbZ dk ax ls ugh gks ikrh gS ftlls cPpks dk Hkfo"; fcxM+k gS o fcxM+ jgk gSA ?kksj vkfFkZd vHkkoks es thuk iM+ jgk gSA lekt o cktkj es ? kksj vieku o vuknj dh ftUnxh Hkonh; o mlds ifjokj dks thuh iM+ jgh gS o Hkonh; rFkk mlds ifjokj dk thuk nqHkj gks x;k gSA

?15? ?ch? dkuwu cuus ds 27 ckn Hkh vnkyrks ds ihBklhu vf/kdkjhX.k vnkyrh voekuuk vf/kfu;e] 1971 dh /kkjk 2]15 o 16 ds {sk=kf/kdkjks dks /kkj.k djus ds fy, drbZ rS;kj ugh gS tks fof/ktud "kfDr ls U;k;ikfydk dh lhuktsjh gS ftlds dkj.k fuxjkuh o QkStnkjh dUVsEiV dh dk;Zokgh;ka dk QdZ lekIr gks x;k gS rFkk jktLFkku dh turk dsk QkStnkjh dUVsEiV dh lLrh o vius gh {ks= es layXu U;kf;d dk;Zokgh;ks dh ctk; vdkj.k egaxh o dsoy t;iqj] tks/kiqj es miyC/k mPp U;k;ky; dh fuxjkuh dh U;kf;d dk;Zokgh;ka es brus cM+s iSekus ij ?klhVk tk jgk gSA ;g lc dqN u dsoy jktLFkku es vjktDrk dk ,d [kqye[kqyk o O;kid Lrj dk mnkgj.k gS cfYd blds QyLo:i jktLFkku U;k;ikfydk ds ihBklhu vf/kdkjhX.k vijf/kh;ks ds Vksyh ds :i es LFkkfir gksdj jg x;s gS rFkk bl vU;k; dks odhy leqnk; viuh Qhl o deh"ku dh ykyp es gok ns jgs gSA

?15??lh? Hkonh; /kkjk 1998 es dksVk laln; {ks= ls yksdIHkk dk pquko yM+s tkus ds nkSjku vof/k dks NksM+dj fiNys 6 lkyks es tc ls Hkonh; vius yxHkx 40 U;kf;d izdj.k Loa; gh yM+ jgk gSA rc ls Hkonh; us bl vof/k es dHkh Hkh vnkyrks es LFkxu dk vkosnu ugh fd;k ijUrq odhyks ds ekaxus ek= ij gh ftl rjg vnkyrs LFkxuks ds ek;/e ls jktLFkku ds vf/kdka"K eqdneks dks vdkj.k yEck [ksprh gS mlls u dsoy eqdneks ds fuLrkj.k es 10 lky ls Hkh vf/kd dk le; yx tkrk gSA cfYd vnkyrks es yfEcr eqdneks dk sj Hkh jgk gSA ;g jktLFkku dh turk ds lFk fuckZ/ k :i ls py jgh U;kf;d leqnk; cSp o ckWj dh ,slh [kqYye[kqyk o O;kid Lrj dh nknkfxjh gS tks fd turk dks U;k; fnyokus dk nkok djus okys] jktuhfr ls lEcFU/kr izR;sd O;fDr ds fy, ,d pqukSrh dk fo"K; gksuk pkfg, A

vr% Jheku ls fouez fuosnu gS fd&

?1? ,lMh,e lhVh dksVk ds fjyth vkns"k fnukad 8-2-1993 izdj.k la[;k 4@93 dh vuqikyuk dk;Zokgh tkdj Hkonh; dks mlds dkj[kkus dh e"khush o vU; leku fnyok;k tk;s A rkfd Hkonh; vius o vius ifjokj dh vkthfodk dks iqu% pkyw dj lds A

?2? fof/k ea=ky; }kjk ,d tkap vk;skx dh fu;qfDr dh tkos tks fd fiNys ikap nl lkyks es jktLFkku mPp U;k;ky; es yxs fuxjkuh bR;kfn ds eqdneks dh bl n`f"V ls tkap djs fd fdrus izdj.kks es fuxjkuh dh ctk; {ks=kf/kdkj ds de @ vf/kd @ xyr iz;ksx ds dkj.k QkStnkjh dUVsEiV dh dk;Zokgh;ka yxuh pkfg, A tks fd ugh yxkbZ x;h A ;kfu dh jktLFkku ds yxsxs dsk tks lLrk o lqyHk U;k;k feyuk pkfg, og U;kf;d leqnk; cSp o ckj }kjk ugh feyu fn;k x;k A

?3?fof/k ea=ky; ds ek;/e ls jktLFkku mPp U;k;ky; }kjk jktLFkku fo/kkulHkk es okf"kZd fjiksZV izLrqr djok;h tkos ftles ;g fooj.k gks fd jktLFkku es vnkyrks es LFkxu fdrus eqdneks es o fdrus le; ds fy, o fdl Ik{kdkj ds vkosnu ij fn;s x;s AjktLFkku mPp U;k;ky; bl okf"kZd fjiksZV dks ftyk U;k;ky;ks ls izkIr ,slh gh ekfld fjiksZV ds vk/kkj ij rS;kj djok ldrk gSA ftldh ijEijk dk pyok;k tkuk yksd U;k; ds fgr es dkuwuu vfuok;Z o okaNuh; gSA

6. The respondent has not disputed the fact of writing and sending representation under reference. He has submitted reply. It is averred that he has not been made to understand as to how the contents of paragraphs, referred in order dt. 22.3.2000, constitute a criminal contempt. It is also stated that he does not see anything wrong in making representation dated 23.12.1998 to the Chief Minister and Law Minister, against the functioning of the Judiciary. It is emphasized that in addition to Judiciary, there are two important organs of the State namely Executive and the Legislature. He has also stated that now a days, the Press is also considered as a fourth important pillar of the democracy. It is submitted that the statement of fact in the representation is nothing but an expression of a victim person. He has also taken the plea that the statement made in the representation has not been published. He has further stated that the contents of representation under reference is a privileged communication between him and the Hon"ble Chief Minister and the Hon"ble Law Minister of Govt. of Rajasthan. On the basis of such privileged communication, no contempt proceedings can be initiated. It is submitted in alternate that he may be given the substance of accusation. It is also submitted that in absence of supply of copy of substance of accusation, entire proceedings are illegal. Lastly, it is submitted that he has been put to unbearable burden by calling from Bhopal and Kota under an illegal order.

7. The contemner respondent was given the copy of his representation and the relevant documents by order dated 7.4.1999. He was also permitted to inspect the file. Thereafter, he did not appear before this Court. His presence could be secured only by bailable warrant. At no stage, he asked for the supply of the substance of accusations. On the contrary on 23rd March, 2000, when the court asked him if he needs assistance of some lawyer, he not only refused to accept but made a statement that he is an expert on the Law of Contempt. It appears that he feels that by prolonging the contempt petition, he can claim to be an

expert in the Law of Contempt. Be that as it may, the accusations as contained in the paras 9, 12, 13, 14, 15(b) and the relief clause as contained in the letter dated 23.12.1998 were read over to him. He read them with court and marked relevant portion in the copy of representation under reference with him. Thus, he is aware of the offending paras. Thus, there is no substance in the plea that copy of substance of accusation has not been given to him.

8. The criminal contempt defined in Section 2(c) of the Act reads as follows:

2. Definitions: In this Act, unless the context otherwise requires:

(a) xxxxx

(b)xxxxx

(c) "criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter of the doing of any other act whatsoever which:

(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or

(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

9. We have carefully considered the relevant portions extracted above from the representation under reference. The law with respect to the criminal contempt has been well settled by the various decisions of the Apex Court. Reference may be made to Thakur Jugal Kishore Sinha Vs. Sitamarhi Central Co-operative Bank Ltd. and Another, Thakur Jugal Kishore Sinha Vs. Sitamarhi Central Co-operative Bank Ltd. and Another, and L.D. Jaikwal Vs. State of U.P., In Re: Ajay Kumar Pandey, In Re: Harijai Singh and Another; In Re: Vijay Kumar, and S. Mulgaokar AIR 1978 SC 727 . Suffice it to quote statement of law as enunciated in one of the case namely in In Re: Sanjiv Datta and Others, as follows:

Abuses, attribution of motives, vituperative terrorism and defiance are no methods to correct the errors of the courts. In the discharge of their functions the courts have to be allowed to operate freely and fearlessly but for which impartial adjudication will be an impossibility. Ours is a Constitutional government based on the rule of law. The Constitution entrusts the task of interpreting and administering the law to the judiciary whose view on the subject is made legally final and binding on all till it is changed by a higher court or by a permissible legislative measure. Those living and functioning under the Constitution have to accept and submit to this obligation of respecting the constitutional authority of the courts. Under a Constitutional government, such final authority has to vest in some institution. Otherwise, there will be a chaos. The court's verdict has to be respected not necessarily by the authority of its

reason but always by reason of its authority. Any conduct designed to or suggestive of challenging this crucial balance of power devised by the Constitution is an attempt to subvert the rule of law and an invitation to anarchy.

The contemner, for reasons which can only be attributed to his misconception of his role and over-zealousness to assert himself and his side of the matter intentionally overstepped his limits and conveniently ignored the above legal position and abrogated to himself, in substance, the role of a Judge in his own cause. He has thus in effect not only challenged the jurisdiction of the Court to discharge its functions but also its authority to do so.

10. We have carefully read the representation under reference. Contemner has made baseless, malicious and scandalous allegations against the Judiciary in the State of Rajasthan. He has made scurrilous attack on Judges. The allegations are contemptuous and calculated to bring the subordinate courts and the High Court in the State of Rajasthan in disrepute. He has cast a reflection on the honesty and integrity of all the courts in the State of Rajasthan including the High Court. Whenever his matter is decided by the courts on administrative side or judicial side, he describes it as hushed-up (SIC) imputing motives. He has described the Judges as "gang of criminals." It clearly amounts to scandalising the courts, which constitutes an offence of "criminal contempt" as defined u/s 2(c) of the Act. We, therefore, hold the respondent contemner Hemraj guilty of committing offence of criminal contempt, punishable u/s 12 of the Act.

11. We have also heard the respondent contemner on the point of sentence. There is no repentance on the part of the respondent contemner. On the contrary, he persists and justifies his conduct as legal and valid and shows no inclination to give up the path, he has adopted. He, by his own conduct, has disabled us from showing any mercy to him in the matter of imposing sentence. Considering all facts and circumstances of the case and the nature of the allegations, we are satisfied that the contempt is of such nature which tends to substantially interfere with the course of justice. In such circumstances, the court will not shirk from its duty to uphold the majesty of law in the public interest. It would be a traversity of justice, if the court were to allow a person guilty of gross contempt of court, to go un-punished.

12. Consequently, we hold the respondent Hem Raj Jain guilty of criminal contempt punishable u/s. 12 of the Contempt of Courts Act, 1971, and considering all facts and circumstances of the case, sentence him to two months' simple imprisonment and to pay a fine of Rs. 1000/- (Rs. one thousand). In default of payment, he will further undergo 15 days' simple imprisonment.