2025 INSC 619

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 5245 OF 2024

SHANMUGAM @ LAKSHMINARAYANAN .... APPELLANT

VERSUS

HIGH COURT OF MADRAS .... RESPONDENT

WITH

CRIMINAL APPEAL NO. 4219 OF 2024

M. MURUGANANDAM .... APPELLANT

VERSUS

**HIGH COURT OF MADRAS
THROUGH THE REGISTRAR GENERAL .... RESPONDENT**

WITH

**CRIMINAL APPEAL NO. _____ OF 2025
(@ Crl. A. Diary No. 45480 of 2024)**

S. AMAL RAJ .... APPELLANT

VERSUS

HIGH COURT OF MADRAS ...RESPONDENT

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

Appeal arising out of Criminal Appeal Diary No. 45480 of 2024 is admitted.

2. The three appellants before us namely, Shanmugam @ Lakshminarayanan in Criminal Appeal No. 5245 of 2024 (Contemnor No. 4 before the High Court), M. Muruganandam in Criminal Appeal No. 4219 of 2024 (Contemnor No. 3 before the High Court) and S. Amal Raj in Criminal Appeal arising out of Criminal Appeal Diary No. 45480 of 2024 (Contemnor No. 7 before the High Court) stand convicted by the High Court for committing contempt of Court and have been sentenced to undergo simple imprisonment for a period of six months. The appellants have called in question the legality and validity of the judgment and order of the High Court in the present appeals.

FACTUAL MATRIX

3. The District Munsiff Court, Tiruchengode passed a decree dated 17.11.2004 in O.S. No. 212 of 2000 in favour of J.K.K. Rangammal Charitable Trust[1] ordering recovery of possession and arrears of rent from the Contemnor Nos. 1 to 3. The Contemnors preferred appeal suits which were dismissed. The Decree Holder preferred Execution Petition and when the Court Amin went to execute the decree to effect delivery of possession on 17.04.2018 the Contemnor Nos. 1 to 3 produced interim orders passed by the High Court of Madras in C.R.P. Nos. 1467 – 1469 of 2018 staying the decree.

3.1. The Decree Holder applied and obtained the copies of the said orders produced by the Contemnors in Execution Petition Nos. 14, 17 and 18 of 2014 and also entered caveat before the High Court. On verification, it was found, the said orders produced before the Execution Court were fraudulently created by committing forgery and impersonation in the name of the Judge of the High Court of Madras.

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[1] "Decree Holder"

3.2. The Decree Holder submitted a complaint to the High Court and Superintendent of Police, Namakkal District on 03.05.2018 and 15.05.2018 respectively. The Registrar General, High Court, forwarded the complaint to the Superintendent of Police, Namakkal on 18.07.2018.

The Decree Holder then preferred W.P. No. 22410 of 2018 before the High Court to direct the Superintendent of Police, Namakkal to take action on the complaint dated 15.05.2018. In the meanwhile, First Information Report in Crime No. 8 of 2018 was registered by the District Crime Branch, Namakkal for offences under Sections 466, 468 and 471 of the Indian Penal Code, 1860[2] against the Contemnor Nos. 1 to 3/Judgment Debtors. The writ petition was disposed of on 05.09.2018 directing the registry to place the matter before the Division Bench, dealing with the criminal contempt matters, after obtaining necessary orders from the Hon'ble Chief Justice, for the Division Bench to proceed with the matter in terms of Section 15 (1) read with Section 18 (1) of the Contempt of Courts Act, 1971. The Superintendent of Police, Namakkal

[2] 'IPC'

District, was also directed to monitor the investigation in DCB Crime No. 8 of 2018.

3.3. On 10.09.2018, the Contemnor No. 4/Shanmugam @ Lakshminarayanan[3] was arrested by the District Crime Branch, Namakkal and he made a statement about the manner in which the fake order copies were prepared with the help of Contemnor No. 6/P. Meiyappan[4] in a Digital Net Centre at Bhavani.

3.4. On 11.09.2018, Contemnor No. 3/M. Muruganandam[5] was arrested. He disclosed the manner in which the fraudulent order copies were obtained by the Contemnor No. 4 and Contemnor No. 7. The District Crime Branch, Namkkal completed the investigation and submitted a report on 14.08.2019 in C.C. No. 537 of 2020 before the Judicial Magistrate, Komarapalayam against the Contemnor Nos. 1 to 5.

3.5. On account of the case bundle relating to W.P. No. 22410 of 2018 missing in the Registry, the criminal contempt was not numbered from 2018 to 2022. On the Division Bench being informed regularly, the bundle was traced, and the

[3] 'C4'
[4] 'C6'
[5] 'C3'

contempt petition was numbered as 2493 of 2022. Initially, statutory notice was issued to the Contemnor Nos. 1 to 5 and thereafter to the Contemnor No. 6 and Contemnor No. 7 when they were also found to be involved in the process of preparation of the fake order of the High Court. Since the Contemnor nos. 1 and 2 died during proceedings, the same stood abated against them.

3.6. The Division Bench framed charges against Contemnor Nos. 1, 3, 4 & 5 on 19.12.2022 to the following effect:

> "Since S. Sundaram (2nd contemnor) has died, no charge could be framed against him.
>
> 2.That, you, Angamuthu (1st contemnor), Muruganandam (3rd contemnor), Shanmugam @ Lakshminarayanan (4th contemnor) and Thangamani (5th contemnor) along with the deceased Sundaram submitted the photocopies of the following three fake orders of this Court, all dated 12.03.2018 to the bailiff, when he came for executing the decree as set out above.
>
> i.C.R.P.No.1467 of 2018 and C.M.P.No.2038 of 2018
>
> ii.C.R.P.No.1468 of 2018 and C.M.P.No.2039 of 2018 and
>
> iii.C.R.P.No.1469 of 2018 and C.M.P.No.2040 of 2018
>
> The above three orders appear to have been passed by Hon'ble Mrs. Justice Pushpa Sathyanarayana on 12.03.2018, whereas, the records of the Registry show that no such Civil

> Revision Petitions were even filed, and the said Hon'ble Judge was not holding the C.R.P. roster on 12.03.2018 and therefore, it is evident that these three orders have been fabricated."

3.7. Basing the affidavits filed by the Contemnor Nos. 1 and 3 to 5, during pendency of the contempt proceedings, the High Court *suo motu* impleaded Contemnor Nos. 6 & 7 on the ground that the material available on record including the police report revealed that these two contemnors are also involved in the preparation and handing over of the fake High Court's orders to the litigants, Contemnor Nos. 3 and 5. Accordingly, charges were framed by the High Court on 16.04.2024 against the Contemnor Nos. 6 & 7 as under:

> "That, you, P. Meiyappan (6th contemnor) and S. Amal Raj (7th contemnor) along with Contemnor Nos.3 to 5, including the deceased, P. Angamuthu and S. Sundaram, created fake orders of this Court, all dated 12.03.2018 and aided in producing it to the bailiff, when he came for executing the decree as set out in the order dated 19.12.2022:
>
> i. C.R.P.No. 1467 of 2018 and C.M.P.No.2038 of 2018
>
> ii.C.R.P.No.1468 of 2018 and C.M.P.No.2039 of 2018 and
>
> iii.C.R.P.No.1469 of 2018 and C.M.P.No.2040 of 2018
>
> The above three orders appear to have been passed by Hon'ble Mrs. Justice Pushpa Sathyanarayana on 12.03.2018, whereas, the records of the Registry show that no such Civil

> Revision Petitions were even filed and the said Hon'ble Judge was not holding the C.R.P. roster on 12.03.2018 and therefore, it is evident that these three orders have been fabricated.
>
> The above act of yours prima facie attracts Section 2(c)(iii) of the Contempt of Courts Act, 1971, which is punishable under Section 12, ibid., in that, by submitting the aforesaid three photocopies of the orders of this Court, you have interfered with the administration of justice, in the execution of proceedings before the District Munsif, Tiruchengode"

3.8. The Contemnor Nos. 3 and 5 preferred Crl. O.P. No. 17492 of 2023 for reinvestigation/fresh investigation of the crime registered against them. The Division Bench passed an order on 21.09.2023 directing the DGP to form a Special Team whereupon the DGP transferred the investigation to CBCID (OCU) and renumbered as Crime No. 2 of 2023. A detailed investigation was carried out by CBCID, and voluminous incriminating materials were collected against the Contemnor Nos. 4 to 6.

3.9. P. Meiyappan/Contemnor No. 6[6] and S. Amal Raj/Contemnor No. 7[7] were also arrested by the CBCID. The statement of two witnesses namely, Thangaraj and Shanthi was recorded under Section 164(5) of Cr. P. C. before the Judicial

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[6] 'C6'
[7] 'C7'

Magistrate No. II, Namakkal. Sample voices of C3 and C4 were also recorded by the Chief Judicial Magistrate, Namakkal for comparison with the cell phone conversation held between them. CBCID filed first status report in the contempt petition on 18.10.2023 and also verified the record relating to C.R.P. Nos. 1467 – 1469 of 2018. The material objects were recovered from the Digital Net Centre, Bhavani and sent to the Tamil Nadu Forensic Science Laboratory[8]. The CBCID filed second status report in the contempt petition on 19.12.2023 and thereafter third status report was filed on 12.02.2024. Basing above status reports, C6 & C7 were impleaded .

3.10. In his affidavit in response to the contempt notice, the C3 admitted that in the Execution case he and other tenants were guided by C4 to prefer revision before the High Court. According to him, the Judgment Debtor, in three suits, paid a sum of Rs. 15,000/- for preferring revision. On the relevant date his wife handed over the copy of bogus interim order to the Court Amin which was given to him by C4 through one Mr. P. Meiyappan. He categorically states that since C4 was handling his case for the last two decades, there was no

[8] 'FSL'

occasion to doubt the genuineness of the High Court order. When he contacted C4, he stated that one Mr. Thangapandian, advocate had given the said order to him. This conversation was recorded in the automated Samsung android phone. He had given transcript of the conversation between him and C4 to the police along with the certificate under Section 65-B (4) of the Evidence Act, 1872.

3.11. The High Court after considering the materials and the submissions made by the appellants found that the three appellants are responsible in preparation of the bogus High Court interim orders and have accordingly sentenced them to undergo simple imprisonment for six months. The High Court found that the Contemnor Nos. 1 and 2 are also involved but since they have died, the case stood abated against them. Insofar as C6 is concerned, the High Court has given him the benefit of doubt.

SUBMISSIONS

4. Ms. Sonia Mathur, learned senior counsel and Mr. S. Nagamuthu, learned senior counsel appearing for the appellants/contemnors would submit that the initiation of

contempt against the appellant/contemnors is barred by limitation in view of the provisions contained in Section 20 of Contempt of Court Acts, 1971. It is also argued that formal charges are not framed against the appellants/contemnors without which contempt cannot proceed. It is vehemently argued that standard of proof in a criminal contempt is the same as required in a criminal case, therefore, the High Court has erred in holding that standard of strict proof is not required for conviction in a contempt matter. It is lastly submitted that the High Court having given benefit of doubt to C6 and has acquitted Contemnor No. 5, wife of the C3, the same yardstick should have been applied against the appellant/C3 and thus, he deserves to be acquitted.

5. *Per contra*, learned counsel for the respondent/High Court and Intervenor/Decree Holder have supported the impugned order. According to them, the present appellants have been found involved in creation of forged High Court order which have rightly been dealt with by the High Court by punishing them for committing contempt of Court. It is submitted that when the contempt proceedings are drawn *suo motu* by the High Court the law of limitation is not attracted. There being

sufficient material against the appellants/contemnors, it is not a case where they have been found guilty and sentenced on the basis of probabilities, but it is a case of cogent material available against them.

ANALYSIS

6. The High Court has recorded the finding of guilt against the appellants/contemnors on the basis of the report filed by CBCID and the affidavits filed by the appellants in response to the statutory notice issued against them. The report of the CBCID was in turn founded on the statement of witnesses as well as telephonic conversations held between C3 and C4 as also between C6 and C4. It has also come on record that C4 has forwarded the format for the preparation of fake stay order copies received from the advocate Thangapandian through P. Meiyappan's email. Thereafter, C4 prepared the fake stay order copies and handed over the same to the accused, Thangamani, Sundaram and Angamuthu through P. Meiyappan. C4 further stated in his confession statement to the CBCID that Contemnor No. 7/S. Amal Raj[9] is the person who floated the

[9] 'C7'

idea of preparing the forged High Court stay orders. The properties were seized from the Digital Net Centre, Bhavani where the fake stay orders were prepared and the same were sent to the FSL. The High Court has extracted the report of the FSL in para 30 of the impugned order. Moreover, C3 in his affidavit has alleged that C4 was the person who guided them throughout in the litigation and it was he (C4) who handed over fake orders through P. Meiyappan. Paragraph Nos. 12, 13, 15 & 16 of his affidavit have been reproduced by the High Court which clearly supports the finding recorded by the High Court. Thus, the case against the appellants/C3, C4 & C7 for committing contempt has been found proved by the High Court on the basis of cogent and reliable material available on record and the same is recorded after considering their stand taken in the affidavit.

7. Having deeply scrutinised the material, we are satisfied that the finding recorded by the High Court does not suffer from any illegality or perversity. The present is not a case where it is not known as to who produced the fake interim orders of the High Court or who prepared the same. The chain

of events emerging from 18.04.2018 onwards, when the fake orders were presented at the time when the bailiff tried to effect delivery of possession, have been found established. As a matter of fact, C3 admits that he submitted the fake orders before the Court Amin. From the conversation recorded between C3 and C4 as produced before the CBCID and as mentioned in the affidavits, clearly accuses that it was C4 who was responsible for handing over the orders through P Meiyappan. It was C7 who floated the idea of preparing the forged orders. Thus, all three appellants/contemnors have rightly been convicted.

8. The sole object of the Court wielding its power to punish for contempt is always for maintaining the purity of administration of justice. Nothing is more incumbent upon the courts of justice than to preserve their proceedings from being misrepresented, nor is there anything more pernicious when the order of the court is forged and produced to gain undue advantage. A misleading or a wrong statement deliberately and wilfully made by a party to the proceedings to obtain a favourable order would undoubtedly tantamount to interference with the due course of judicial proceedings. When a person is

found to have utilised an order of a court which he or she knows to be incorrect for conferring benefit on persons who are not entitled to the same, the very utilisation of the fabricated order by the person concerned would be sufficient to hold him/her guilty of contempt, irrespective of the fact whether he or she himself or herself is the author of fabrication. [***See: In Re: Bineet Kumar Singh[10]).*** Thus, C3, who is the beneficiary of the fake interim orders is rightly held guilty of contempt.

9. In re: ***"Vinay Chandra Mishra"[11]***, this Court has held that the Judiciary is the guardian of the rule of law and the duty to protect the same is apart from the function of adjudicating the disputes between the parties and it is for this purpose that the courts are entrusted with the extraordinary power of punishing those who indulge in acts whether inside or outside the courts, which tend to undermine their authority and bring them in disrepute and disrespect by scandalising them and obstructing them from discharging their duties without fear or favour.

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[10] (2001) 5 SCC 501
[11] (1995) 2 SCC 584

10. It has been argued by learned senior counsel for the appellants that they were not given proper opportunity to defend, inasmuch as, the charges were not framed against them in a formal manner nor explained to them. This argument deserves to be rejected at the outset in view of the settled proposition in ***"Vinay Chandra Mishra"***(supra) in the following words:

> "26.....The criminal contempt of court undoubtedly amounts to an offence but it is an offence sui generis and hence for such offence, the procedure adopted both under the common law and the statute law even in this country has always been summary. However, the fact that the process is summary does not mean that the procedural requirement, viz., that an opportunity of meeting the charge, is denied to the contemner. The degree of precision with which the charge may be stated depends upon the circumstances. So long as the gist of the specific allegations is made clear or otherwise the contemner is aware of the specific allegation, it is not always necessary to formulate the charge in a specific allegation. The consensus of opinion among the judiciary and the jurists alike is that despite the objection that the Judge deals with the contempt himself and the contemner has little opportunity to defend himself, there is a residue of cases where not only it is justifiable to punish on the spot, but it is the only realistic way of dealing with certain offenders. This procedure does not offend against the principle of natural justice, viz., nemo judex in sua causa since the prosecution is not aimed at protecting the Judge personally but protecting the administration of

> justice. The threat of immediate punishment is the most effective deterrent against misconduct. The Judge has to remain in full control of the hearing of the case and he must be able to take steps to restore order as early and quickly as possible. The time factor is crucial. Dragging out the contempt proceedings means a lengthy interruption to the main proceedings which paralyses the court for a time and indirectly impedes the speed and efficiency with which justice is administered. Instant justice can never be completely satisfactory, yet it does provide the simplest, most effective and least unsatisfactory method of dealing with disruptive conduct in court. So long as the contemner's interests are adequately safeguarded by giving him an opportunity of being heard in his defence, even summary procedure in the case of contempt in the face of the court is commended and not faulted."

11. Much emphasis was laid by the appellants taking shelter under Section 20 of the Contempt of Courts Act, 1971[12] to raise the plea of limitation. It was submitted that the contempt proceedings should have been initiated within one year from the date of production of the fake interim orders i.e. 18.04.2018. However, the notice was issued after four years in the year 2022 and as such entire proceeding is barred by

[12] "1971 Act"

limitation. Reliance is placed on "***Pallav Sheth vs. Custodian & Ors.***"[13]

12. In "**Pritam Pal vs. High Court of Madhya Pradesh, Jabalpur, through Registrar**"[14] the following is held:

> "15. Prior to the Contempt of Courts Act, 1971, it was held that the High Court has inherent power to deal with a contempt of itself summarily and to adopt its own procedure, provided that it gives a fair and reasonable opportunity to the contemnor to defend himself. But the procedure has now been prescribed by Section 15 of the Act in exercise of the powers conferred by Entry 14, List III of the Seventh Schedule of the Constitution. Though the contempt jurisdiction of the Supreme Court and the High Court can be regulated by legislation by appropriate legislature under Entry 77 of List I and Entry 14 of List III in exercise of which the Parliament has enacted the Act of 1971, the contempt jurisdiction of the Supreme Court and the High Court is given a constitutional foundation by declaring to be 'Courts of Record' under Articles 129 and 215 of the Constitution and, therefore, the inherent power of the Supreme Court and the High Court cannot be taken away by any legislation short of constitutional amendment. In fact, Section 22 of the Act lays down that the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law relating to contempt of courts. It necessarily follows that the constitutional jurisdiction of the Supreme Court and the High Court under Articles 129 and 215 cannot be curtailed by anything in the Act of 1971. The above position of law has been well settled by this

[13] (2001) 7 SCC 549
[14] (1993) Supp (1) SCC 529

Court in *Sukhdev Singh Sodhi v. Chief Justice and Judges of the PEPSU High Court* [(1953) 2 SCC 571]holding thus:

"In any case, so far as contempt of a High Court itself is concerned, as distinct from one of a subordinate court, the Constitution vests these rights in every High Court, so no Act of a legislature could take away that jurisdiction and confer it afresh by virtue of its own authority."

24. From the above judicial pronouncements of this Court, it is manifestly clear that the power of the Supreme Court and the High Court being the Courts of Record as embodied under Articles 129 and 215 respectively cannot be restricted and trammelled by any ordinary legislation including the provisions of the Contempt of Courts Act and their inherent power is elastic, unfettered and not subjected to any limit. It would be appropriate, in this connection, to refer certain English authorities dealing with the power of the superior court as Courts of Record.

37. The power under Articles 129 and 215 is a summary power as held in the cases of *Sukhdev Singh Sodhi, C.K. Daphtary and in Hira Lal Dixit v. State of U.P.*

38**.** Peacock, C.J. laid down the rule quite broadly in the following words in Abdool, Re: [(1867) 8 WR Cr 32, 33)

"[T]here can be no doubt that every court of record has the power of summarily punishing for contempt."

42. **If we examine the facts of the present case in the backdrop of the proposition of law, the contentions raised by the appellant challenging the procedure followed by the High Court do not merit any consideration since the appellant has been served with a notice of contempt and thereafter permitted to go through the records and finally has been afforded a fair opportunity of putting forth his explanation for the charge levelled against**

him. Incidentally, we may say that the submission of the contemnor that the impugned order is vitiated on the ground of procedural irregularities and that Article 215 of the Constitution of India is to be read in conjunction with the provisions of Sections 15 and 17 of the Act of 1971, cannot be countenanced and it has to be summarily rejected as being devoid of any merit."

(*Emphasis supplied*)

13. A three Judge Bench of this Court in "**Pallav Sheth**" (supra) has held thus:

> **"**30**.** There can be no doubt that both this Court and High Courts are courts of record, and the Constitution has given them the powers to punish for contempt. The decisions of this Court clearly show that this power cannot be abrogated or stultified. But if the power under Article 129 and Article 215 is absolute, can thereby any legislation indicating the manner and to the extent that the power can be exercised? If there is any provision of the law which stultifies or abrogates the power under Article 129 and/or Article 215, there can be little doubt that such law would not be regarded as having been validly enacted. It, however, appears to us that providing for the quantum of punishment or what may or may not be regarded as acts of contempt or even providing for a period of limitation for initiating proceedings for contempt cannot be taken to be a provision which abrogates or stultifies the contempt jurisdiction under Article 129 or Article 215 of the Constitution.
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> 33. The question which squarely arises is as to what is the meaning to be given to the expression "no court shall initiate any proceedings for

contempt …" occurring in Section 20 of the 1971 Act. Section 20 deals not only with criminal contempt but also with civil contempt. It applies not only to the contempt committed in the face of the High Court or the Supreme Court but would also be applicable in the case of contempt of the subordinate court. The procedure which is to be followed in each of these cases is different.

41. One of the principles underlying the law of limitation is that a litigant must act diligently and not sleep over its rights. In this background such an interpretation should be placed on Section 20 of the Act which does not lead to an anomalous result causing hardship to the party who may have acted with utmost diligence and because of the inaction on the part of the court, a contemner cannot be made to suffer. **Interpreting the section in the manner canvassed by Mr Venugopal would mean that the court would be rendered powerless to punish even though it may be fully convinced of the blatant nature of the contempt having been committed and the same having been brought to the notice of the court soon after the committal of the contempt and within the period of one year of the same. Section 20, therefore, has to be construed in a manner which would avoid such an anomaly and hardship both as regards the litigants as also by placing a pointless fetter on the part of the court to punish for its contempt. An interpretation of Section 20, like the one canvassed by the appellant, which would render the constitutional power of the courts nugatory in taking action for contempt even in cases of gross contempt, successfully hidden for a period of one year by practising fraud by the contemner would render Section 20 as liable to be regarded as being in conflict with Article 129 and/or Article 215.**

Such a rigid interpretation must therefore be avoided.

(*Emphasis supplied*)

42. The decision in Om Prakash Jaiswal case to the effect that initiation of proceedings under Section 20 can only be said to have occurred when the court formed the prima facie opinion that contempt has been committed and issued notice to the contemner to show cause why it should not be punished, is taking too narrow a view of Section 20 which does not seem to be warranted and is not only going to cause hardship but would perpetrate injustice. **A provision like Section 20 has to be interpreted having regard to the realities of the situation.** (*Emphasis supplied*) For instance, in a case where a contempt of a subordinate court is committed, a report is prepared whether on an application to court or otherwise, and reference made by the subordinate court to the High Court. It is only thereafter that a High Court can take further action under Section 15. In the process, more often than not, a period of one year elapses. If the interpretation of Section 20 put in Om Prakash Jaiswal case is correct, it would mean that notwithstanding both the subordinate court and the High Court being prima facie satisfied that contempt has been committed the High Court would become powerless to take any action. **On the other hand, if the filing of an application before the subordinate court or the High Court, making of a reference by a subordinate court on its own motion or the filing of an application before an Advocate-General for permission to initiate contempt proceedings is regarded as initiation by the court for the purposes of Section 20, then such an interpretation would not impinge on or stultify the power of the High Court to punish for contempt which power, dehors the Contempt of Courts Act, 1971 is enshrined in Article 215 of the Constitution. Such an interpretation of Section 20 would harmonise**

that section with the powers of the courts to punish for contempt which is recognised by the Constitution.

(*Emphasis supplied*)

44. Action for contempt is divisible into two categories, namely, that initiated suo motu by the court and that instituted otherwise than on the court's own motion. The mode of initiation in each case would necessarily be different. While in the case of suo motu proceedings, it is the court itself which must initiate by issuing a notice, in the other cases initiation can only be by a party filing an application. **In our opinion, therefore, the proper construction to be placed on Section 20 must be that action must be initiated, either by filing of an application or by the court issuing notice suo motu, within a period of one year from the date on which the contempt is alleged to have been committed.**

(*Emphasis supplied*)

46. The record discloses that the Custodian received information of the appellant having committed contempt by taking over benami concerns, transferring funds to these concerns and operating their accounts clandestinely only from a letter dated 5-5-1998 from the Income Tax Authorities. It is soon thereafter that on 18-6-1998, a petition was filed for initiating action in contempt and notice issued by the Special Court on 9-4-1999. Section 29(2) of the Limitation Act, 1963 provides that where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by

any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply insofar as, and to the extent to which, they are not expressly excluded by such special or local law. This Court in the case of Kartick Chandra Das has held that by virtue of Section 29(2) read with Section 3 of the Limitation Act, limitation stands prescribed as a special law under Section 19 of the Contempt of Courts Act, 1971 and in consequence thereof the provisions of Sections 4 to 24 of the Limitation Act stand attracted.

47. Section 17 of the Limitation Act, inter alia, provides that where, in the case of any suit or application for which a period of limitation is prescribed by the Act, the knowledge of the right or title on which a suit or application is founded is concealed by the fraud of the defendant or his agent [Section 17(1)(b)] or where any document necessary to establish the right of the plaintiff or the applicant has been fraudulently concealed from him [Section 17(1)(d)], the period of limitation shall not begin to run until the plaintiff or the applicant has discovered the fraud or the mistake or could, with reasonable diligence, have discovered it; or in the case of a concealed document, until the plaintiff or the applicant first had the means of producing the concealed document or compelling its production. These provisions embody fundamental principles of justice and equity viz. that a party should not be penalised for failing to adopt legal proceedings when the facts or material necessary for him to do so have been wilfully concealed from him and also that a party who has acted fraudulently should not gain the benefit of limitation running in his favour by virtue of such fraud.

48. The provisions of Section 17 of the Limitation Act are applicable in the present case. **The fraud perpetuated by the appellant was unearthed only on the Custodian receiving**

> **information from the Income Tax Department, vide their letter of 5-5-1998. On becoming aware of the fraud, application for initiating contempt proceedings was filed on 18-6-1998, well within the period of limitation prescribed by Section 20. It is on this application that the Special Court by its order of 9-4-1999 directed the application to be treated as a show-cause notice to the appellant to punish him for contempt.** (*Emphasis supplied*) In view of the abovestated facts and in the light of the discussion regarding the correct interpretation of Section 20 of the Contempt of Courts Act, it follows that the action taken by the Special Court to punish the appellant for contempt was valid. The Special Court has only faulted in being unduly lenient in awarding the sentence. We do not think it is necessary, under the circumstances, to examine the finding of the Special Court that this was a continuing wrong or contempt and, therefore, action for contempt was not barred by Section 20."

14. While the appellants have referred to para 44 of "**Pallav Sheth"**(supra), the respondent has relied upon paragraph nos. 30, 41 & 42. Upon reading of the entire judgment in the matter of "**Pallav Sheth"** (supra), it is clearly depicted that the contempt action must be initiated either by filing of an application or by the Court issuing notice *suo motu* within a period of one year from the date on which the contempt is alleged to have been committed. The originating point for calculating the period of limitation has been

interpreted in para 42 of ***Pallav Sheth*** which is reproduced again at the cost of repetition.

> " 42……..On the other hand, if the filing of an application before the subordinate court or the High Court, making of a reference by a subordinate court on its own motion or the filing of an application before an Advocate-General for permission to initiate contempt proceedings is regarded as initiation by the court for the purposes of Section 20, then such an interpretation would not impinge on or stultify the power of the High Court to punish for contempt which power, dehors the Contempt of Courts Act, 1971 is enshrined in Article 215 of the Constitution. Such an interpretation of Section 20 would harmonise that section with the powers of the courts to punish for contempt which is recognised by the Constitution."

Thus, in view of the law laid down by this Court in paras 42 and 44 of "**Pallav Sheth"** (supra), it is to be seen as to when the application was preferred by the respondent/Decree Holder for initiation of action against the appellants. The present contempt proceeding has its root in WP No. 22410 of 2018 preferred by the Trust/Decree Holder. This writ petition was preferred on 20.08.2018 i.e. immediately after four months from 17.04.2018 when the fake orders were produced before the Court Amin. In this writ petition, prayer was made to initiate action against the respondents for committing act of

forgery and fraudulent creation of bogus orders in the name of the High Court. When the matter was posted before the learned Single Judge it was informed by the Registry that the matter was placed before the Hon'ble Chief Justice on the administrative side and the Hon'ble Chief Justice has directed police investigation in this case. Accordingly, the Deputy Registrar, High Court of Madras gave a complaint to the Superintendent of Police, Namakkal Division for investigation and eventually Crime No. 8 of 2018 was registered in District Crime Branch, Namakkal Division on 04.09.2018. When the matter was placed before the learned Single Judge on 05.09.2018, the Court was of the *prima facie* opinion that despite registration of FIR further action needs to be taken for initiation of contempt proceedings under the Act, 1971, as there is *prima facie* material to show that criminal contempt has been committed. The jurisdiction to proceed for criminal contempt being with the Division Bench, the learned Single Judge of the High Court directed the Registry to place the matter before the Division Bench dealing with the criminal contempt matters, after obtaining necessary orders from Hon'ble the Chief Justice, for the Division Bench to proceed with

the matter in terms of Section 15(1) read with Section 18(1) of the Act, 1971. Thus, it is this date i.e. 05.09.2018 when the contempt proceedings were drawn by the High Court though actual notice was issued later on by the Division Bench in the year 2022. Significantly, it requires special reference that for about 4 years the case bundle of WP No. 22410 of 2018 was missing in the Registry of the High Court. On repeated information/request by the Decree Holder the bundle was traced, and the contempt case was registered in 2022. However, it does not mean that the contempt was initiated in the year 2022.

15. It is significant to notice that the case bundle of writ petition in the High Court was misplaced in the registry of the High Court so as to render the High Court powerless to punish for contempt even though it may be fully convinced of the blatant nature of the contempt and the same having been brought to the notice of the Court within one year from the date of commission of contempt. Such situation was clearly foresighted by this Court in "**Pallav Sheth"**(supra), by observing in para 41 that Section 20 of the Act, 1971,

therefore, has to be construed in a manner which would avoid such an anomaly and eventually concluded that the date of initiation of *suo motu* contempt action is regarded as the initiation by the Court for the purpose of Section 20. Therefore, in the case in hand, initiation of contempt action shall be treated to have been taken on 05.09.2018 when the learned Single Judge dealing with the writ petition so directed and this date being within one year from 17.04.2018 when the fake orders were presented before the Court Amin, we are of the considered view that the present contempt action was not barred by limitation.

16. Another submission of learned senior counsel for the appellants is that the High Court has proceeded on an assumption that the standard of strict proof required to convict a person under the penal law need not be considered whereas in **Khushi Ram vs. Sheo Vati & Anr.**[15], it is held that the charge of contempt of court partakes of the nature of a criminal charge and it must be established beyond all reasonable doubt. Basing above, it is argued that the charge having not proved beyond all reasonable doubt, the appellants cannot be

[15] (1953) 1 SCC 726

punished. However, the present is a case where the High Court has initiated *suo motu* contempt on proved and admitted facts that C3 produced fake interim orders of the High Court and the same were prepared by C4 & C7. Despite observation by the High Court, we are of the view that present is a case where it is established beyond all reasonable doubt that the present appellants/contemnors have either used or created fake High Court interim orders. It is not a case of mere probability of commission of offence rather it is a proved case of commission of offence. Creating fake orders of the Court is one of the most dreaded acts of contempt of court. It not only thwarts the administration of justice, but it has inbuilt intention by committing forgery of record. Therefore, the charge of contempt is fully proved against the appellants beyond all reasonable doubt.

17. For the foregoing, we have no hesitation in affirming the finding of guilt of commission of contempt by the appellants, as recorded by the High Court. The appeals are, accordingly, dismissed.

However, insofar as imposition of sentence of simple imprisonment for six months is concerned, the same appears to be harsh, therefore, considering the facts and circumstances of the case, we are of the view that ends of justice would be served if the appellants are sentenced to undergo simple imprisonment for one month.

Accordingly, we confirm the conviction and modify the sentence from simple imprisonment for six months to simple imprisonment for one month. It is ordered accordingly.

The appellants shall surrender before the Registrar of the High Court of Madras within 15 days from today to undergo the sentence. Registrar (Judicial) of this Court is directed to communicate this order to the concerned High Court for compliance.

.....J.
(SUDHANSHU DHULIA)

.....J.
(PRASHANT KUMAR MISHRA)

NEW DELHI;
MAY 02, 2025.