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CRLCP 1 of 2023

The Court on its own motion.

Mr. S. N. Mookherjee, Ld. Advocate General,
Mr. Anirban Ray, Ld. G. P.

... for the State.

By an order dated 10th January, 2023, the learned Single Bench of this Court had initiated suo motu contempt proceedings qua the incident, which took place outside Court room no.13 on 9th January, 2023. For better appreciation, the order is quoted hereinbelow:-

“At the request of this Court, Mr. Bikash Ranjan Bhattacharya, learned Senior Advocate and Mr. Samim Ahamed, Advocate, have appeared. Mr Bhattacharrya has submitted that he has filed an affidavit before the Court of the Hon’ble Chief Justice today seeking initiation of contempt proceedings regarding the incidents outside this Court yesterday, the 9th of January 2023.

On enquiries being made by this Court as to how the incidents that occurred outside this Court yesterday should be addressed, Mr. Bhattacharya has submitted that this is a fit case for taking cognizance of the incidents and issue a Rule of Suo Motu contempt. The following incidents occurred yesterday:-

- (a) Court Room No.13 of this Court was locked from the outside by a section of lawyers and some persons, completely preventing ingress and egress to the all advocates, litigants and staff from 10:30 am in the morning for a considerable period of time.
- (b) A large number of lawyers who were willing to participate in judicial proceedings and were trying to enter into the Court room, were intimidated, heckled and roughed up.
- (c) Defamatory posters have been affixed around the residence of the presiding Judge of this Court at Jodhpur Park in Kolkata and around the precincts of this Court inter alia at No. 6, Old Post Office Street, Kolkata – 700 001. A copy of one of each such posters in English and Bengali is kept with the records (said posters).

The aforesaid acts constitute criminal contempt according to Mr. Bhattacharya.

There is also an incorrect, untrue statement in addition to the defamatory statements in the said posters, as regards the alleged illegal occupation of the residence of the presiding Judge of this Court. The said allegation is reckless, false, untrue and incorrect since the conveyance for the purchase of the residential accommodation at the 1st floor 231, Jodhpur Park, Kolkata – 700

068 is duly registered with the concerned Registrar of Assurances at Kolkata. A copy of the conveyances in respect of the property is kept with the records.

The aforesaid acts constitute criminal contempt inter alia for the following reasons and in the following manner:-

- (a) There has been a clear attempt to interfere with the justice delivery system of this Constitutional Court by the said section of the Advocates and persons, by locking up the Court room from outside and preventing access to the Court room to lawyers, litigants and Court staff.*
- (b) There is interference in the administration of justice by a section of advocates and some persons and attempts have been made to browbeat, intimidate, instill fear in this Court, from discharging its functions, by making false, misleading and baseless allegations in the said posters.*
- (c) The false, misleading, baseless and reckless allegations in the said posters in the residential area of the constitutional functionary and the precincts of the High Court are scandalous and tend to scandalize the Court and the Judge and an attempt to lower the authority of the Court inter alia in the public at large.*

- (d) *The contents of the said posters and the locking up of the Court room No.13 from outside, preventing lawyers, litigants, and Court Staff from entering the Court room, prejudices and interferes and tends to interfere with the due course of judicial proceedings and dispensation of justice of this Constitutional Court.*
- (e) *The conduct of the advocates and the said persons in locking up the court room from outside and the publication of the said posters tends to shake and has shaken the confidence of the Community in the justice delivery system.*
- (f) *A clear attempt has been made by the said advocates and the said persons, by the conduct referred to hereinabove, to lower the dignity and majesty of this Court in the eyes of public at large.*

In view of the above, this Court issues a Suo Motu Rule of contempt against the said advocates and the concerned persons.

The Registrar General of this Court can identify the names particulars of the said advocates and persons from the CCTV footage of the date and time outside Court Room No.13. Further names may be obtained by the office of the Registrar General from other interested persons.

The aforesaid acts constitute criminal contempt with the meaning of Section 2(c) of the Contempt of Court Act, 1971.

In terms of Section 18 of the Contempt of Courts Act 1971, Criminal Contempt proceedings must be heard by a Bench of two or more Judges. This is a matter of grave importance concerning the dignity of this Court. Hence, let this Rule/Order be placed before the Hon'ble the Chief Justice for constitution of an appropriate bench, to hear the matter.

Let a copy of this order be made available to the learned Advocate General, the President of the Bar Library Club, the President of the Bar Association and the President of the Incorporated Law Society.

SD/-

(Rajasekhar Mantha)"

In terms of the directions contained in the above order, the matter was placed before the Hon'ble Chief Justice for constitution of an appropriate Bench to hear the matter. The Hon'ble Chief Justice by order dated 12th January, 2023 observed that having regard to the seriousness of the issue involved and considering the gravity and importance of the matter and also keeping in view the requirements of Section 18 of the Contempt of Courts Act, 1971, a Special Bench consisting of three of us was constituted. This Court has taken up the matter today for consideration.

We record the presence of the Learned Advocate General, learned Government Pleader, Mr. Bikash Ranjan Bhattacharya, Learned Senior Advocate as well as the Registrar General of this Court.

The Registrar General of this Court has produced a letter addressed to her by the Assistant Commissioner of Police, High Court, Calcutta dated 13th January, 2023. This letter is in reply to the letter issued by the Registrar General dated 11th January, 2023 calling for a snap shot and CCTV footages regarding the incident, which occurred in front of the Court room no.13 on 9th January, 2023, 10th January, 2023 and 11th January, 2023. The letter of the Assistant Commissioner of Police, High Court, Calcutta is in the nature of a compliance report and it is stated in the said letter that the CCTV footages as well as still photographs as received from the CCTV during the incident in front of Court room no.13 on 9th January, 2023, 10th January, 2023 and 11th January, 2023 in SCAN Disc. Pendrive has been enclosed. The said letter contains a sealed cover in which it appears that the pendrive has been kept. We are conscious of the fact that the present proceeding is a criminal contempt and therefore, if the CCTV footages as well as the still photographs as received from the CCTV said to be furnished in the pen drive have to be brought on record, the requisite certificate has to be issued by the said police authorities in terms of the provisions of the

Information Technology Act, 2000, as amended read with Section 65B of the Evidence Act.

The Registrar General has also placed before us a letter written by Mr. Tapas Maity, learned Advocate, dated 11th January, 2023 addressed to the Registrar General. The letter states that he brings to the notice the names of the persons, who are involved in the contumacious act in front of Court room no.13 either by obstructing the learned Advocates, who were intending to do their cases on 9th January, 2023 or making derogatory statements with a deliberate motive to disrepute the dignity and majesty of the institution and also the concerned Judge of this Court and the names of the persons have been mentioned in the said letter, which are as follows:-

1. Sonal Sinha,
2. Wasim Ahmed,
3. Sangeeta Roy,
4. Kakali Naskar,
5. Sanjukta Samanta,
6. Arpita Saha,
7. Rupsha Chakraborty,
8. Suman Ghosh,
9. Tarun Chatterjee,
10. Chandreyee (Surname not known)
11. Jaydip Banerjee.
12. Kunal Ghosh, Spokesperson All India Trinamool congress, 36G, Topsia Road (Near

Sanjhachula) Uttar Panchanna Gram, Kolkata, West Bengal – 700 100.

However, the addresses of the said persons have not been given except the name and address of Mr. Kunal Ghosh. It is stated that 11 Advocates are all members of the Bar Association of Calcutta High Court.

In order to effectively take forward the matter, we are inclined to issue the following directions /orders.

- (i) Issue notice to the Commissioner of Police, Kolkata and such notice is accepted by Mr. Anirban Ray, Learned Government Pleader.
- (ii) Issue notice to the Assistant Commissioner of Police, High Court, Calcutta and such notice is accepted by Mr. Anirban Ray, Learned Government Pleader.
- (iii) Issue notice to the Officer-in-Charge of the Lake Police Station, Kolkata for whom the Learned Government Pleader has accepted notice.

The Commissioner of Police, Kolkata is directed to file a report before this Court as to who was the person, who had placed the order for printing the

posters containing certain defamatory statements about the Hon'ble Judge, the printer who printed the posters and the persons, who were engaged to affix those posters.

The Assistant Commissioner of Police, High Court, Calcutta is directed to furnish the requisite certificate in terms of Section 65B of the Evidence Act read with the provisions of the Information Technology Act, 2000 as amended.

The Officer-in-Charge of the Lake Police Station, Kolkata is directed to submit all records and materials concerning the matter before the Commissioner of Police, Kolkata to enable the Commissioner to file a report in terms of the directions contained above.

For the purpose of assisting this Court in the present proceedings, which have been initiated to protect the dignity and decorum of this Court and also to remind the legal fraternity that they are part of a noble profession and no act of theirs shall prejudice the proceedings conducted by this Court and the oath of office administered to them when they were enrolled as the Members of the Bar. Therefore, we require the assistance of the following entities:-

- (i) The Bar Council of India,
- (ii) The Bar Council of West Bengal,
- (iii) The Bar Association of High Court at Calcutta,

- (iv) The Bar Library Club and
- (v) The Incorporated Law Society, High Court,
Calcutta.

The registry is directed to serve notices on the aforementioned parties along with the copy of this order so as to enable them to render their necessary assistance to this Court to proceed with this matter.

As pointed out earlier, the letter given by the learned Advocate dated 11th January, 2023 does not furnish the adequate particulars for the Court to issue notices to those persons by impleading them as contemnors in this proceedings. Therefore, for the present, we shall await the appearances of the Bar Council of India as well as the Bar Council of West Bengal and the three wings of the Bar and the report of the police and by then, the requisite certificate would be issued by the concerned police authority so as to enable this Court to take on record the contents of the pen drive stated to contain the CCTV footages as well as the still photographs as received from the CCTV concerning the incidents in front of Court room no.13 on 9th January, 2023, 10th January, 2023 and 11th January, 2023.

Since this Court is seized of this matter, we direct that no meetings, processions, agitations, shall be held or placards shall be displayed within the premises of this Court or anywhere else concerning

the subject issue and this direction shall be given due publicity by the Registrar General by intimating to the three wings of the Bar as well as displaying the same in the notice board and also posting the same in the official website of this Hon'ble Court.

We request the learned Advocate General to assist us in this proceedings in the next hearing as well.

The original letter of the Assistant Commissioner of Police, High Court, Calcutta dated 13th January, 2023 along with the sealed envelope and the letter of Mr. Tapas Maity, Learned Advocate, dated 11th January, 2023 shall be kept in safe custody of the Registrar General of this Court.

List the matter on 2nd February, 2023 at 2.30 P.M.

(T. S. Sivagnanam, J.)

(I. P. Mukerji, J.)

(Chitta Ranjan Dash, J.)