

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11th DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL CONTEMPT PETITION NO. 10 OF 2022

BETWEEN:

HIGH COURT OF KARNATAKA
REPRESENTED BY THE REGISTRAR GENERAL,
BENGALURU-560001.

...COMPLAINANT

(BY SRI. THEJESH P., HCGP)

AND:

SRI. PANKAJ KAUSHIK
ADVOCATE,
AGED ABOUT 51 YEARS,
NO.647, KENCH A ROAD,
KARWAR
UTTARA KANNADA DISTRICT.

...ACCUSED

(BY SRI. PANKAJ KAUSHIK, ACCUSED/PARTY-IN-PERSON)

* * *

THIS CRIMINAL CONTEMPT PETITION IS FILED UNDER SECTION 15 OF THE CONTEMPT OF COURTS ACT, READ WITH ARTICLE 215 OF THE CONSTITUTION OF INDIA PRAYING TO INITIATE (SUO-MOTU) CRIMINAL CONTEMPT OF COURT PROCEEDINGS AGAINST THE ACCUSED HEREIN SRI PANKAJ KAUSHIK, ADVOCATE, AGE ABOUT 51 YEARS, NO.647, KENCH A ROAD, KARWAR, UTTAR KANNADA DISTRICT UNDER THE CONTEMPT OF COURTS ACT, 1971 AND TO PUNISH HIM IN ACCORDANCE WITH LAW.

THIS CRIMINAL CONTEMPT PETITION HAVING BEEN HEARD AND RESERVED ON 10.06.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, THE **VENKATESH NAIK T. J.**, PRONOUNCED THE FOLLOWING:



CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

This Criminal Contempt Case No.10/2022 has been filed by the High Court of Karnataka represented by the Registrar General under Section 15 of the Contempt of Courts Act, 1971 read with Article 215 of Constitution of India against the accused Sri Pankaj Kaushik.

2. The facts leading to filing of this contempt petition is as under:

The Principal District and Sessions Judge, Uttara Kannada, Karwar had submitted the letter dated 12.04.2022 along with letter dated 08.04.2022 of Sri Shrinivas Patil, Additional Civil Judge and JMFC-II, Uttara Kannada District for initiating Criminal Contempt against the accused Sri Pankaj Kaushik, Advocate, Uttara Kannada for his misconduct.

The accused herein is a party-in-person in Domestic Violence case No.11/2014. On 8.04.2022, though his case was not listed before the learned Additional Civil Judge and JMFC-II, Karwar, he appeared before the Court and started to shout and

yelled at the Presiding Officer saying that the Presiding Officer had not given the date to his case and he also yelled at the bench clerk for not calling out his case. The Presiding Officer though warned the accused for his misconduct, the accused continued the same. The accused had even made allegations against the Presiding Officer, stating that the Presiding Officer had received money from his wife in domestic violence case and passed the orders in her favour. The said incident was brought to the notice of the learned Principal District and Sessions Judge, Karwar. It appears that the accused had also made defamatory statements against the High Court Judges and while addressing his arguments, he had also yelled at the staff as well. In this regard, on 08.04.2022, the learned Prl. District & Sessions Judge, Karwar addressed a letter to the Registrar General, High Court of Karnataka to initiate disciplinary action against the accused for his misconduct in the Court Hall.

3. Later, on 11.04.2022, the accused submitted an apology letter to the Principal District & Sessions Judge, Karwar stating that he never intended to hurt or cause problem to the Court and he regretted for the inconvenience caused by him and requested to withdraw the complaint against him.

4. On 22.04.2022, the Principal District and Sessions Judge, Uttara Kannada, Karwar, forwarded the letter of Sri Shrinivas Patil, Additional Civil Judge and JMFC-II, Karwar - Uttara Kannada dated 21.04.2022 along with Certificate of Drunkenness of the accused with a request to take necessary action against the accused. As per the letter dated 21.04.2022 of Shrinivas Patil, Additional Civil Judge and JMFC-II, Karwar - Uttara Kannada, on 20.04.2022 at 03.30 p.m. when Senior Counsel Sri K. R. Desai, Karwar Bar Association was addressing his arguments, the accused had interrupted the arguments in the middle and in a disrespectful tone asked him to stop his arguments so that his case may be taken up. When the Presiding Officer intervened, the accused herein did not listen to the Presiding officer and started to yell at everyone. The accused was smelling alcohol and was unsteady. Hence, the Presiding Officer, Karwar sent the accused to Civil Hospital, Karwar, where he tested that he consumed alcohol. Thereafter, the samples were collected and the Certificate of Drunkenness was obtained.

5. After receipt of request of the learned Principal District and Sessions Judge and Addl. Civil Judge and JMFC, Karwar, this Court initiated suo-motu contempt proceedings

against the accused and notice was issued to him. In response, the accused/respondent filed his objections and contended that the learned Magistrate Sri Shrinivas Patil, Additional Civil Judge and JMFC (II Court), Karwar, has falsely stated that on 08.04.2022, he had committed contempt of Court by consuming alcohol. It is further contended that the Certificate of Drunkenness relied upon by the learned Magistrate is of a later date i.e., 20.04.2022.

6. It is further contended that he never committed criminal contempt as alleged by the Presiding Officer, Karwar Court. His contention is that since 18 years he has been practicing in Karwar Courts without any unblemished records, dignity, sobriety etc.,

7. The accused/respondent further contended that he has been suffering from epilepsy for more than 35 years and is occasionally subjected to strokes and fits. He further contended that his mother who is about 75 years old, is bedridden and that he is her only caretaker, while his other brother, who is a Judicial Officer is residing separately. It is further contended that the contempt proceedings have been initiated against him deliberately with an intention to harass him. On the above

grounds, the accused sought dismissal of the contempt proceedings.

8. Soon after appearance of accused and his objections, after hearing both sides, this Court framed charges against the accused, which reads as under:-

"We, Justice Prasanna B Varale, Chief Justice and Justice Krishna S Dixit, Judge, of the High Court of Karnataka, Bengaluru do hereby charge you, the accused named below:-

*SRI. PANKAJ KOUSHIK ADVOCATE,
AGED ABOUT 51 YEARS, NO.647,
KENCHA ROAD,
KARWAR, UTTARA KANNADA DISTRICT
as follows:-*

Taking suo-motu cognizance of the letters dated 12.04.2022 and 22.04.2022, submitted by the Principal District and Sessions Judge, Uttara Kannada, Karwar, forwarding the letter dated 08.04.2022 and 21.04.2022 along with enclosures submitted by the Additional Civil Judge and JMFC II, Karwar-Uttara Kannada District, notice of contempt was issued by this Court on 11.10.2022.

On considering the contentions and the submissions advanced by the respondent / accused, in our opinion:

(i)The conduct of the respondent/ accused who is a party-in-person in D.V.No.11/2014, even though his case was not listed on 08.04.2022 before the

Additional Civil Judge and JMFC-II, Karwar, he appeared before the said Court and shouted and yelled at the Presiding Officer and the officials presenting the Court and thereby spoiled the decorum of the Court,

ii) Further, that the conduct of the respondent/accused appearing before the Additional Civil Judge and JMFC II, Karwar-Uttara Kannada District on 20.04.2022 at 03:30 p.m and in interrupting the arguments of the learned Counsel by name Sri K.R.Desai of Karwar Bar being addressed in the open Court before the Presiding Officer of Additional Civil Judge and JMFC II, Karwar-Uttara Kannada District, who was addressing the Court and the respondent/accused asking the said learned counsel to stop his arguments in a disrespectful tone in a drunken condition, and appearing before the said Court without his case being listed and shouting and yelling against the Presiding Officer in inebriated condition, and using of derogative words and thereby interfering with the Court proceedings amounts to Criminal Contempt as contemplated Under Section 2(c) of the Contempt of Courts Act, 1971.

9. The complainant in order to prove its case, examined the Deputy Registrar, High Court of Karnataka as PW.1. In her chief-examination, she has reiterated the contents of contempt petition and in support of her oral evidence, she relied upon eight documents vide Exs.P1 to P8. Ex-P1 is the

authorisation letter dated 19.04.2024 issued by the Registrar General, High Court of Karnataka authorising PW.1 to depose on behalf of High Court of Karnataka.

10. Ex-P2 is the letter addressed by learned Civil Judge, Karwar dated 08.04.2022 forwarded to the Prl. District Judge reporting misconduct made by the respondent accused. Ex-P3 is the apology letter dated 11.04.2022 of the respondent submitted to the learned Magistrate. Ex-P4 is the letter of learned Civil Judge & JMFC dated 21.04.2022 reporting another incident of misbehaviour of the accused. Ex-P5 is the certificate of drunkenness issued by Karwar Institute of Medical Sciences dated 20.04.2022, wherein it is certified that respondent accused was drunk on the date of the incident. Ex-P6 and 7 are the mail dated 12.04.2022 and letter dated 12.04.2022. Ex-P8 is the certificate issued under Section 65B by the competent authority.

11. PW.1 was cross-examined. In the cross-examination, she has stated that she has given evidence on the basis of the documents furnished by the complainant and she has reiterated the same in her evidence.

12. Further, the complainant examined Sri. Shrinivas Patil, Additional Civil Judge & JMFC-II, Karwar, Uttara Kannada. In his examination, he has stated on 08.04.2022, the accused who is a party-in-person, in DV No.11/2014, even though his case was not listed, appeared before him and started to shout and yell at him saying that, he has not given the adjournment to his case and he also shouted at the bench clerk for not calling out his case. This attitude was not acceptable and his conduct was not for the first time inspite of giving enough warnings he has repeatedly done the same. He also made allegations against him stating that he has received money from his wife in Domestic Violence case and accordingly, passed order in her favour. Therefore, he brought the said aspect to the notice of Principal District and Sessions Judge, Karwar vide his letter dated 21.04.2022. As his conduct was not good, he spoiled the entire atmosphere of the Court. Hence PW.2 requested the Principal District & Sessions Judge for necessary action. He further deposed on oath that thereafterwards, at the intervention of the Bar members, the accused tendered his apology, wherein he has stated that he never intended to cause hurt or problem to the officer. He also apologized and regretted for whatever happened previously and

requested to withdraw the complaint against him. PW.2 further stated that on 20.04.2022, at 3.30 p.m., when Senior Counsel Sri. K.R. Desai, Karwar Bar Association was addressing his arguments, the accused interrupted his arguments and in a disrespectful tone asked him to stop the argument so that his case may be taken up. Though he intervened, the accused did not listen to him and started shouting at him and at that time, he was smelling alcohol and therefore, the Officer sent the accused to Civil Hospital, Karwar for medical examination and thereafter, the officer came to know that on 20.04.2022, the accused had consumed alcohol. PW.2 further stated that though the accused had tendered apology and stated that he regretted to whatever happened previously, he repeatedly interfered with the Court proceedings again and behaved unprofessionally. Further more, by consuming alcohol, he caused inconvenience to the court proceedings, while general public were present. If no action is taken against him, it sends wrong message to the society. This attitude of the accused appears to be unprofessional. Therefore, requested the Court to take action against him.

13. PW.2 was cross-examined. In the cross-examination, he admits that the date of contempt was on 08.04.2022 and

after 08.04.2022, i.e., on 20.04.2022, the accused was sent for medical examination. As per Ex.P5, the opinion is reserved pending for want of FSL report. Further, witness volunteers that Ex-P5 certificate of drunkenness also contains smell of alcohol in breath of the accused. The accused party-in-person while cross examining PW.2, PW.2 admits few suggestions, which read as under:- "in Ex-P2, it is mentioned that 'at 11.00 a.m., when calling out was going on, Advocate Pankaj Kaushik, who is a party-in-person in DV No.11/2014, even though his case was not listed today, appeared before me and started to shout and yell at me that I have not given the date to his case'. He further admits by suggesting PW.2 that 'It is true to suggest that in Ex-P4, it is mentioned that 'yesterday at 3.30 p.m., the learned Senior Counsel Sri. K.R. Desai of Karwar Bar was addressing his arguments, Pankaj Kaushik interrupted the arguments in the middle and in a disrespectful tone and asked him to stop the arguments, so that his case may be taken up. He admits that he is not aware of the initiation of the date of contempt proceedings against the accused. He also admits that he requested the High Court to take action against the accused and he was not aware that the accused was suffering from epilepsy and he do not know after the myoclonic jerks, fits,

seizures and strokes. PW.2 came to know about the initiation of contempt proceedings only when he received summons from the Court.

14. Hence, it is just and necessary to analyse Section 2(c), 12, 14 and 15 of the Contempt of Courts Act, 1971, which reads as under:-

"2. Definitions.-

(a) x x x x x

(b) x x x x x

(c) *"criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representation, or otherwise) of any matter or 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;*

12. Punishment for contempt of court.- (1) *Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:*

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation.- An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any other law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation.-For the purposes of sub-sections (4) and (5),-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

14. Procedure where contempt is in the face of the Supreme Court or a High Court.-(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing, the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall-

- (a) cause him to be informed in writing of the contempt with which he is charged;
- (b) afford him an opportunity to make his defence to the charge;
- (c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and
- (d) make such order for the punishment or discharge of such person as may be just.

(2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof.

(3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1) which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or

Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under sub-section (2) shall be treated as evidence in the case.

(4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify:

Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court:

Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid.

15. Cognizance of criminal contempt in other cases.

(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by-

- (a) the Advocate-General, or*
- (b) any other person, with the consent in writing to the Advocate General, [or]*
- (c) in relation to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer.]*

(2) In the case of any criminal contempt of a subordinate court, the High Court may take action on a reference made to it by the subordinate court or on a motion made by the Advocate-General or, in relation to a Union territory, by such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) Every motion or reference made under this section shall specify the contempt of which the person charged is alleged to be guilty.

Explanation.-In this section, the expression "Advocate-General" means-

- (a) *in relation to the Supreme Court, the Attorney-General or the Solicitor-General;*
- (b) *in relation to the High Court, the Advocate-General of the State or any of the States for which the High Court has been established;*
- (c) *in relation to the Court of a Judicial Commissioner, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf."*

15. The Apex Court in ***Rajendra Sail v. M.P. High Court Bar Association and others*** reported in **(2005) 6 SCC 109**, has clearly held that alleging bias and mala fides on the part of a High Court Judge and making other derogatory and personal remarks against Judges amounts to Criminal Contempt of Court and the defence of fair criticism is not available where scandalous allegations are raised without any basis. Relevant observations are extracted below:

"11. It has been repeatedly held that the rule of law is the foundation of democratic society. The judiciary is the guardian of the rule of law. The confidence, which the people repose in the courts of justice, cannot be allowed to, be tarnished, diminished or wiped out by the contemptuous behaviour of any person. If the judiciary is to perform its duties and functions effectively and true to the spirit with which they are sacredly entrusted, the dignity and authority of the courts have to be respected and

protected at all costs. The foundation of the judiciary is the trust and the confidence of the people in its ability to deliver fearless and impartial justice. When the foundation itself is shaken by acts which tend to create disaffection and disrespect for the authority of the court by creating distrust in its working, the edifice of the judicial system gets eroded. It is for this purpose that the courts are entrusted with extraordinary powers of punishing for contempt of court those, who indulge in acts, which tend to undermine the authority of law and bring it in disrepute and disrespect by scandalising it. When the court exercises this power, it does not do so to vindicate the dignity and honour of the individual judge who is personally attacked or scandalised, but to uphold the majesty of the law and of the administration of justice.

20. *In Roshan Lal Ahuja, In re, a three-Judge Bench held, judgments of the court are open to criticism. Judges and courts are not unduly sensitive or touchy to fair and reasonable criticism of their judgments. Fair comments, even if, outspoken, but made without any malice or attempting to impair the administration of justice and made in good faith in proper language don't attract any punishment for contempt of court. However, when from the criticism a deliberate, motivated and calculated attempt is discernible to bring down the image of the judiciary in the estimation of the public or to impair the administration of justice or tend to bring the administration of justice into disrepute the courts must bestir themselves to uphold their dignity and the majesty of law. No litigant can be permitted to overstep the limits of fair, bona fide and reasonable criticism of a judgment and bring the courts generally in disrepute or attribute motives to the judges rendering the judgment. Perversity, calculated to undermine the judicial system and the prestige of the court, cannot be permitted for otherwise the very foundation of the judicial system is bound to be undermined and weakened and that would be bad not only for the preservation of rule of law but also for the independence of judiciary. Liberty of free expression is not to be confused with a licence to make unfounded, unwarranted and irresponsible aspersions against the judges or the courts in relation to judicial matters. No system of*

justice can tolerate such an unbridled licence. Of course "Justice is not a cloistered virtue: she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary men", but the members of the public have to abstain from imputing improper motives to those taking part in the administration of justice and exercise their right of free criticism without malice or in any way attempting to impair administration of justice and refrain from making any comment which tends to scandalise the court in relation to judicial matters. If a person committing such gross contempt of court were to get off lightly it would be a most unfortunate state of affairs. Sympathy in such a case would be totally misplaced having no meaning. His action calls for deterrent punishment so that it also serves as an example to others and there is no repetition of such contempt by any other person."

16. Further, in ***Prashant Bhushan and another, in Re*** reported in **(2021) 3 SCC 160**, the Hon'ble Apex Court held that freedom of speech is not absolute and when it is used to scandalise the institution as a whole and persons, who are part of the institution who cannot defend themselves publicly, such hostile criticism of the judiciary amounts to scandalising the Court and is not protected under Article 19(1)(a) of the Constitution of India.

17. In ***Vijay Kurle, in Re and others***, reported **(2021) 13 SCC 616**, it was held that the purpose of law of contempt is not to prevent fair criticism, but to ensure that respect and confidence reposed in the judicial system is not undermined.

18. Having considered the evidence adduced in this case, we are of the clear view that the charges leveled against the accused stands proved. The accused has not been able to place any mitigating circumstances that would explain his contemptuous conduct. He has committed aggravated contempt in the face of the Court by scurrilous, scandalous and baseless statements against Judicial Officers as well as the Judges of the Court. The very demeanor and tone of the accused is clearly contemptuous of the orders and authority of the Court and the judicial system as such.

19. We have given our anxious consideration to the pleadings and the materials on record. We have also noticed the conduct of the accused before the Court. Far from expressing any remorse for the initial criminal contempt committed by him, he has attempted to justify his actions and has proceeded to make scandalous and unfounded statements against the judicial institution as a whole. His conduct can only be termed as deliberate and adamant and reveals complete apathy towards social, moral and judicial codes of conduct. We are of the clear opinion that if conduct of this nature is not punished, sociopaths like the accused are likely to repeat such

offences with impunity which would endanger the rule of law and the judicial system as a whole.

20. Having regard to the aforesaid facts and circumstances, we hold that the charges against the accused/contemnor is proved.

Hence, we pass the following:-

ORDER

The accused/contemnor is convicted for Criminal Contempt of Court punishable under Section 12(1) of the Contempt of Courts Act, 1971.

FOR HEARING ON SENTENCE

We have heard the accused on sentence. We find that the accused has not expressed any regret and continues his adamant stand. No mitigating factors have also been pleaded.

Having considered the contentions advanced and the gravity of the contempt, the conduct of the accused as well as his age and profession, we sentence the accused/contemnor to simple imprisonment for a period of 1-day (till raising of the Court) with a fine of Rs.2,000/- (Rupees Two Thousand Only) to be payable within 15 days from today, and in default of

payment of fine, the accused shall undergo simple imprisonment for a period of one day.

The accused/contemnor shall be taken to custody forthwith, to serve the sentence.

Registrar (Judicial) shall issue conviction warrant against the accused as per Rule 16 of the High Court of Karnataka (Contempt of Court Proceedings) Rules, 1981.

Registry shall furnish a free copy of this order to the accused/contemnor, immediately.

Pending interlocutory applications shall stand disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

AM/mn/-