HIGH COURT OF JUDICATURE AT ALLAHABAD

CONTEMPT APPLICATION (CRIMINAL) No. - 14 of 2024

In Re.

.....Applicant(s)

Versus

Krishna Kumar Pandey

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gaurav Kumar Shukla, Rakesh Pathak, Sudhir Mehrotra
Counsel for Opposite Party(s)	:	Ashok Kumar Yadav

Court No. - 42

HON'BLE J.J. MUNIR, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

(Order on Criminal Misc. Application No. 2 of 2025)

This application has been made on behalf of the contemnor, Krishna Kumar, saying that the information mentioned in paragraph nos. 1 to 12 of the application be served upon the persons concerned in person. The application speaks about the provisions of Rule 3 of Chapter XXXV-E of The Allahabad High Court Rules, 1952 and says that prior permission of the learned Advocate General is necessary, without which, the Court cannot proceed with this Criminal Contempt Application. This objection is taken in paragraph no. 9 of the application. In paragraph no. 10 also, it is emphasized that the learned Advocate General can alone permit prosecution of this contempt against him. These contempt proceedings have arisen out of a reference made by the Additional District Judge/ F.T.C.-I, Basti.

There is absolutely no warrant under the law for seeking permission of the learned Advocate General before proceeding in the matter. This Court is always free to take cognizance of a

criminal contempt even on an application, without permission of the learned Advocate General.

The other objections in the application are also misconceived.

Accordingly, this application stands **rejected**.

(Order on Criminal Misc. Application No. 3 of 2025)

This application has been moved with a prayer that the in-house procedure contemplates complaints recorded in WhatsApp messages against Judges of Subordinate Courts that carry serious allegations, which are prima facie true to be inquired into by a committee, according to the in-house procedure, and for the purpose, the applicant prays that proceedings of this contempt matter be transferred to His Lordship the Hon'ble The Chief Justice.

There is absolutely no mechanism of an in-house procedure for inquiring complaints against Judges of the Subordinate Courts. Rather, Judges of the District Courts are subject to the disciplinary control of this Court. In case a complaint is laid against them, it is inquired into in the first instance administratively, and then, in a vigilance inquiry. Thereafter, if material is found, formal disciplinary proceedings are drawn against the learned Judge.

The allegation that there is an in-house procedure for taking proceedings on allegations carried in the WhatsApp messages subject matter of the contempt proceedings by an in-house procedure is absolutely one that is based on no existing law. No law has been shown to us for the existence of such an in-house procedure.

There is absolutely no basis to transfer these proceedings to His Lordship the Hon'ble The Chief Justice.

This application, accordingly, stands **rejected**.

(Order on the memo of the Contempt Application)

The learned Additional District Judge/Fast Track Court-I, Basti, *vide* reference dated 10.08.2023 made under Section 15 of The Contempt of Courts Act, 1971 *('Act of 1971' for short)*, has reported an act of criminal contempt of Court, in that, that the contemnor, Krishna Kumar Pandey, posted the following message on a WhatsApp group of Advocates of District Basti :

"बस्ती जनपद के सम्मानित व विद्वान अधिवक्तागण महोदय । न्यायालय अतिरिक्त सत्र न्यायाधीश (एफ०टी०सी० प्रथा बस्ती। पी० प्रकीर्ण वाद सं० 270/2022 (U/S 340 & 195 Crpc.) कृष्ण कुमार बनाम सुमन देवी आदि)

इनरी

1 फो० प्रकीर्ण बाद सं014/12/2019 कृष्ण कुमार बनाम चन्द्रभूषण मणि त्रिपाठी आदि ।

2. सिविल अपील सं0 90/2018 स्व० पवन कुमार आदि बनाम ओम प्रकाश

3. सिविल प्रकीर्ण वाद सं० 02 / 2021 ओम प्रकाश बनाम सुमन देवी आदि।

4. सिविल अपील सं0 78/2018 ओम प्रकाश बनाम सुमन देवी आदि। 5. मूल सिविल वाद सं0 521/2004 ओम प्रकाश बनाम पवन कुमार आदि

6. मूल सिविल वाद सं0 382/2006 पवन कुमार आदि बनाम ओम प्रकाश (उपरोक्त सभी बाद में पक्षकार व

विवादित सम्पत्ति एक समान है व एक साथ संला है।

सूचना-

बस्ती जनपद के सम्मानित व विद्वान अधिवक्तागण आप सभी लोगों को सूचित किया जा रहा है कि उपरांत न्यायालय के न्यायाधीश महोदय श्रीमान विजय कुमार कटियार द्वारा रिश्वत लेकर उपरोक्त विचाराधीन मुकदमा व उसके इनरी में अंकित सभी मुकदमों में विधि विरुध व मा० हाई कोर्ट के आदेश के विरूध व मा० सुप्रीम कोर्ट के निर्णय व ई कोर्ट सर्विस के सरकुलर के विरुद्ध जाली व फर्जी व कूटरचित आर्डर शीट लिखने का कार्य कर रहे हैं जो उपरोक्त फौ० प्रकीर्ण बाद सं० 270/2022 के साक्ष्य की कार्यवाही में प्रार्थी द्वारा दाखिल शपथपत्र पर लिखित व्यान ।

साक्ष्य कागज सं० 85 क की धारा 9 ता 17 में न्यायालय द्वारा उपरोक्त। ता 6 बाद में लिखी जा रही जाली आर्डरशीट से उत्पन्न अपराध जुर्म धारा 1208, 1244, 166, 167, 1954 193, 217, 219, 463, 468, 469, 471, भा०८०सं० द सिविल कटैम्पट एक्ट 1972 की धारा 12 व गैर कानूनी गतिविधि रोकथाम अधिनियम की धारा 13 के अन्त्रगत किए गये अपराध के विषय में जाँच करने हेतु व दि. 23/03/2023 को न्यायालय द्वारा लिए गये मौखिक ब्यान में जाँच करने हेतु दिया गया है। न्यायालय की कार्यवाही में मा० न्यायाधीशों ने जानबूझकर कानून व संविधान को कुचल कर जाली व फर्जी आर्डरशीट की कूटरचना कर एक नया न्याय शास्त्र की रचना करने व एक नया न्यायतंत्र विकसित कर भारतीय कानून के शासन को समाप्त करने का प्रयास किया है व अपने कार्यालय की महिमा, गरिमा और विश्वसनीयता को समाप्त कर दिया है जी राष्ट्र द्रोह व भ्रष्टाचार व गैर कानूनी गतिविधि रोकथाम अधिनियम के अन्तगत अपराध है।

निवेदन

जो सम्मानित अधिवक्तागण राष्ट्रहित व न्याय व्यवस्था के हित में उपरोक्त वाद की आर्डरशीट में हो रहे गैर कानूनी गतिविधि रोकथाम अधिनियम के अन्तर्गत हो रहे अपराध व करेप्शन व राष्ट्र द्रोह की जाँच करवाने में अपना योगदान राष्ट्र हित में करना चाहते है वह कृप्या सम्पर्क करें।

Name- K.K. Pandey

Mobile no. 8318551689"

Photostat copies of this WhatsApp message, which went viral amongst the members of the group and the public, according to the learned Judge, were calculated to deliberately scandalise and lower the authority of the Court within the meaning of Section 2(c) of the Act of 1971.

The reference was placed before the Hon'ble The Administrative Judge, who, after perusing the same, found substance and remarked that it is apparent "*that the aforesaid act of levelling the charges of corruption, making viral of fake video among the WhatsApp group of advocates, levelling allegation of writing fake and forged order sheet, against the Presiding Officer, adopting the tactics to delay the proceeding in the case, not allowing the case to be disposed of, creating obstruction in the Court proceeding, moving the baseless complaints, insulting and maligning the image of Presiding Officer, behaving in unrestrained manner with Presiding*

Officer in the Court, browbeating the Judicial system, scandalizing and terrorizing the Court, applying the same tactics of misbehaviour and complain against the Judicial Officers who were earlier posted in the said judgeship, defying the authority of the court, bringing down the image of the Court in the public domain, is contemptuous, which has not only brought down the image of the court but also undermined the authority of the court, falls under Sec.2 (c) of the Contempt of Courts Act 1971."

The aforesaid note was laid by the learned Registrar General of this Court on 01.11.2023 before his Lordship the Hon'ble the Chief Justice, who directed it to be placed before the Hon'ble The Administrative Judge concerned, perhaps for the reason that in the meanwhile, the Hon'ble the Administrative Judge had changed. The matter went back to the Hon'ble the Administrative Judge, and on 08.05.2024, the same recommendation was made that the contents of the WhatsApp message was one that defied the authority of the Court and brought down the image of the Court in public domain, constituting criminal contempt, as we find under Section 2(c) of the Act of 1971.

The Hon'ble the Administrative Judge, *vide* his Lordship's note dated 08.05.2024, directed the matter to be placed before the appropriate Court holding roster to hear criminal contempt matters. This order of the Hon'ble the Administrative Judge, when placed before the Hon'ble the Chief Justice which led to the remark "Seen" by His Lordship. This is how this matter came up before this Court.

After this matter was laid before the Division Bench holding roster, all possible opportunity, and even more than that, was furnished to the contemnor to defend himself at the pre-charge stage.

On 01.07.2024, a notice was issued to the contemnor in terms

of the following order :

> 1. Issue notice to contemnor.
> 2. Contemnor is directed to remain present in the Court on the next date of hearing.
> 3. Sri Sudhir Mehrotra, learned special counsel is present.
> 4. List on 22nd July, 2024.
> 5. Name of Sri Sudhir Mehrotra be shown in the cause list.

On 22.07.2024, the contemnor appeared and the following order was made :

> The contemnor has appeared in person. He prays for and is allowed three weeks' time to file objection.
> List on 13.08.2024.
> The name of the contemnor be shown in the cause list, as he appeared in-person.

On 13.08.2024, the following order was made :

> 1. Counter affidavit filed today by the contemnor is taken on record.
> 2. Counsel for the Court requires three weeks' time to examine the counter affidavit and obtain instructions in the matter from concerned officer.
> 3. List again on 10.09.2024.

On 10.09.2024, the matter was adjourned on the request of Mr. Sudhir Mehrotra, learned Counsel appearing for the High Court.

On 16.10.2024, the following order was passed :

> Instructions received from the officer is taken on record. Its copy is also furnished to the contemnor.
> Since the contemnor appears in-person and has filed various documents, we are of the view that he ought to be provided the services of an Amicus

> Curiae as the contemnor states that he is not in a position to engage a counsel of his own.
>
> In the facts of the case, we direct the Secretary, High Court Legal Services Committee, Allahabad to depute the services of a Senior Counsel from the panel of lawyers maintained by the High Court legal Services Committee.
>
> The entire papers of the present proceedings would be made available to the Secretary of the High Court Legal Services Committee for the convenience of the counsel so entrusted to appear on behalf of the contemnor.
>
> Let that be done within a week.
>
> List on 7th November, 2024.

Again, on 07.11.2024, the following order was passed :

> As prayed on behalf of the contemnor, list on 4.12.2024.
>
> Name of Sri Pradeep Kumar Mishra, who is assisting Sri Vinay Saran, learned Senior counsel shall be shown as counsel for the contemnor, whenever the matter is listed next.

Still again, on 04.12.2024, this Court passed the following order :

> 1. List in the second week of January, 2025 by when a fresh counsel would be appointed by the Legal Services Authority of the High Court to represent the contemnor.
>
> 2. Name of Sri Pradeep Kumar Mishra, who was assisting Sri Vinay Saran, will no longer be shown as counsel for the contemnor.

On 06.01.2025, the following order was made :

> 1. Shri Gajendra Pratap, learned Senior Counsel states that the last order

has not been complied.

2. In view of the last order, Shri Sudhir Mehrotra, learned counsel has expressed difficulty in appearing in the matter any further, on behalf the contemnor.

3. Also, it is informed, Shri Gajendra Pratap, learned Senior Counsel has been provided by the legal aid, assisted by Shri Ashok Kumar Yadav Adv/Roll A/A 1430/2012 to represent the present contemnor.

3. Put up on 10.02.2025 showing the name of Shri Ashok Kumar Yadav as counsel for the contemnor.

On 10.02.2025, the following order was made :

1. Upon the case being called out, Shri Sudhir Mehrotra, learned counsel for High Court and Shri Ashok Kumar Yadav, learned counsel for Amicus Curiae are present.

2. Learned counsel for the parties state that there are typographical errors in the order dated 6.1.2025.

3. In any case, it has been further informed, owing to traffic congestion, the non-applicant is unable to appear today. This fact has been communicated telephonically to Shri Sudhir Mehrotra as well.

4. In view of the above, put up on 3.3.2025.

On 18.04.2025, the following order was passed :

1. The present contempt proceeding has been initiated against Krishna Kumar Pandey.

2. Sri Sudhir Mehrotra, learned counsel for the High Court is present.

3. In pursuance to the last order the contemnor is present in Court. Despite legal assistance provided to him, he appears in person.

4. In the interest of justice, the contemnor may reconsider his position. It is made clear no further indulgence may be granted. Thus, if the

contemnor does not engage another counsel or refuses to give his consent to be represented by a lawyer to be provided by the High Court, Legal Services Committee, the matter may not be adjourned any further, on the next date of listing.

5. On the substance of the contempt, it is noted that the contemnor is described to have sent numerous messages on certain WhatsApp groups i.e. social media platform and thus, circulated derogatory and contemptuous messages against the Presiding Officer at whose instance the reference has arisen.

6. On a query, if the contemnor is a practicing lawyer, he denies. Therefore, it is not known to the Court how the contemnor may have joined different WhatsApp groups of lawyers practicing at Basti.

7. Accordingly, issue notice to the President and Secretary of : (i) Civil Bar Association, Basti; (ii) District Bar Association, Basti; (iii) Young Bar Association, Basti; (iv) Commissionerate Bar Association, Basti; (v) Harraiya Tehsil Bar Association, Basti; (vi) Rudhuali Tehsil Bar Association, Basti and (vii) Bhanpur Tehsil Bar Association, Basti along with reference letter dated 10.08.2023, only to ascertain if the contemnor is member of any of those associations and further if he is not a member to further ascertain how he became a member of any social media group on which he was permitted to post messages that have given rise to the present reference.

8. List again on 08.05.2025.

9. Contemnor shall remain present in the Court on the next date of listing.

The matter again came up before the Court on 08.05.2025, when the following order was passed :

> Re: Criminal Misc. Application No. Nil of 2025 dated 02.05.2025
>
> 1. Despite repeated opportunities granted, the contemnor has chosen to appear in person. He has filed application No. Nil of 2025 today. The same is allowed.
>
> 2. It is made clear, no further opportunity would be granted to the contemnor to be represented through any counsel.
>
> Order on Application
>
> 3. In compliance to the last order, Sri Gaurav Kumar Shukla has appeared on behalf of the Civil Bar Association, Basti; District Bar Association, Basti, Young Bar Association, Basti and Bhanpur Tehsil Bar Association, Basti. Also, Sri Rakesh Kumar Pathak has filed appearance on behalf of Harraiya Tehsil Bar Association, Basti. Further, Sri Ashutosh Pandey has filed appearance on behalf of Commisionerate Bar Association, Basti. All counsel appearing for the respective Bar Associations state neither those associations nor they, nor their members have offered any conduct as may warrant any contempt proceedings against them. At the same time, they assure that the respective Bar Associations would take due action and further ensure that their members may form such social media groups only, as may allow for participation by practising lawyers who may be members of such respective Associations.
>
> 4. On query made, the contemnor states, at present, he may be member of WhatsApp group in the name of Civil Bar Association, Basti.
>
> 5. In view of the above, we grant time to all counsel appearing for the respective Bar

> Association to make due enquiries and take corrective action as they may be advised. That may be reported to the Court, through affidavits.
>
> 6. List this case again on 22.05.2025.
>
> 7. While the contemnor may remain present in Court, Secretaries of the Bar Associations are not required to be present, subject to their filing appropriate affidavits on the next date.

A reading of the last two orders show that the Bar Associations, that were put to notice, said that they do not own any of the insinuations carried in the WhatsApp message posted by the contemnor on the WhatsApp group.

It is apparent that the contemnor is not an Advocate, practicing in any jurisdiction. It is for this reason that the Court, in the order dated 08.05.2025, asked the Bar Association, including the Civil Bar Association, Basti to make due inquiries and take corrective action, as may be advised. By time the order dated 08.05.2025 was passed, it was apparent to this Court that the Bar Association, including the Civil Bar Association, Basti, on whose WhatsApp group, the contemnor had posted the offending WhatsApp message, was, in no way, connected to the matter. It is for this reason that the personal presence of the Secretaries of the various Bar Associations was exempted on 08.05.2025.

Today, when the contemnor appeared in Court, we asked him specifically if he was an Advocate. He answered in the negative.

The orders passed from time to time show that the contemnor was offered the services of Advocates of this Court to defend him, and on two occasions, the services of learned Senior Advocates Mr. Vinay Saran and Mr. Gajendra Pratap, assisted by Advocates of this Court. The arrangement was made through the High Court Legal Services Committee. The order

sheet also reveals that the contemnor expressed his disinclination to be represented by learned Counsel that we provided. The learned Counsel, who were appointed to represent the contemnor, therefore disassociated themselves from further representation. The contemnor said that he would argue in person. Today also, we asked the contemnor why he had forsaken the services of learned Counsel who had been assigned by this Court to defend him, to which he replied that he was competent to defend himself. It is in these circumstances that we have proceeded to hear him on the question of framing charge.

Before the charge could be framed, it is brought to our notice the two applications at the pre-charge stage, that the contemnor moved, had to be decided. By our orders of date passed on those applications, we have decided those applications, rejecting them.

On the material available, we are convinced that a *prima facie* case for proceeding in criminal contempt against the contemnor is made out.

We, accordingly, proceed to frame the following charge :

> " That you, Krishna Kumar Pandey son of late Om Prakash Pandey, resident of Village Parsa Kashi, Post Saltauwa, Tahsil Bhanpur, District Basti and at present, residing at 13/11, Vijay Nagar, Police Station Kakadeo, Kanpur Nagar, by your act in publishing the following post on the WhatsApp Group on 14.07.2023 from your Mobile No. +918318551689, committed an act which scandalises and lowers the authority of the Court of the Additional District Judge/Fast Track Court-I, Basti by bringing the Court to disrepute on account of the insinuations made (WhatsApp message quoted hereinbelow), and thereby committed

criminal contempt of Court punishable under Section 12 read with Section 2(c) of the Contempt of Courts Act, 1971 :

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सूचना-

बस्ती जनपद के सम्मानित व विद्वान अधिवक्तागण आप सभी लोगों को सूचित किया जा रहा है कि उपरांत न्यायालय के न्यायाधीश महोदय श्रीमान विजय कुमार कटियार द्वारा रिश्वत लेकर उपरोक्त विचाराधीन मुकदमा व उसके इनरी में अंकित सभी मुकदमों में विधि विरुध व मा० हाई कोर्ट के आदेश के विरूध व मा० सुप्रीम कोर्ट के निर्णय व ई कोर्ट सर्विस के सरकुलर के विरुद्ध जाली व फर्जी व कूटरचित आर्डर शीट लिखने का कार्य कर रहे हैं जो उपरोक्त फौ० प्रकीर्ण बाद सं० 270/2022 के साक्ष्य की कार्यवाही में प्रार्थी द्वारा दाखिल शपथपत्र पर लिखित व्यान । साक्ष्य कागज सं० 85 क की धारा 9 ता 17 में न्यायालय द्वारा उपरोक्त। ता 6 बाद में लिखी जा रही जाली आर्डरशीट से उत्पन्न अपराध जुर्म धारा 1208, 1244, 166, 167, 1954 193, 217, 219, 463, 468, 469, 471, भा०८०सं० द सिविल कटैम्पट एक्ट 1972 की धारा 12 व गैर कानूनी गतिविधि रोकथाम अधिनियम की धारा 13 के अन्त्रगत किए गये अपराध के विषय में जाँच करने हेतु व दि. 23/03/2023 को न्यायालय द्वारा लिए गये मौखिक ब्यान में जाँच करने हेतु दिया गया है। न्यायालय की कार्यवाही में मा० न्यायाधीशों ने जानबूझकर कानून व

संविधान को कुचल कर जाली व फर्जी आर्डरशीट की कूटरचना कर एक नया न्याय शास्त्र की रचना करने व एक नया न्यायतंत्र विकसित कर भारतीय कानून के शासन को समाप्त करने का प्रयास किया है व अपने कार्यालय की महिमा, गरिमा और विश्वसनीयता को समाप्त कर दिया है जी राष्ट्र द्रोह व भ्रष्टाचार व गैर कानूनी गतिविधि रोकथाम अधिनियम के अन्तगत अपराध है।

निवेदन

जो सम्मानित अधिवक्तागण राष्ट्रहित व न्याय व्यवस्था के हित में उपरोक्त वाद की आर्डरशीट में हो रहे गैर कानूनी गतिविधि रोकथाम अधिनियम के अन्तर्गत हो रहे अपराध व करेप्शन व राष्ट्र द्रोह की जाँच करवाने में अपना योगदान राष्ट्र हित में करना चाहते है वह कृप्या सम्पर्क करें।

Name- K.K. Pandey

Mobile no. 8318551689"

And, we direct that you, Krishna Kumar Pandey, be tried on the aforesaid charge.

The charge was read over and explained to the contemnor, who pleaded not guilty and claimed trial.

A copy of this charge shall be served upon the contemnor along with copies of papers and a notice, indicating that this matter will be heard and determined on **09.10.2025** at **02:00 p.m.** and that the contemnor shall remain present in person on the said date and time.

The notice, a copy of the charge and all the papers be served upon the contemnor through the learned Chief Judicial Magistrate, Kanpur Nagar, **by Tuesday i.e. September 23, 2025**.

September 18, 2025
I. Batabyal

(Pramod Kumar Srivastava,J.) (J.J. Munir,J.)