

10.01.2023
Court No.13
AP

In Re: Suo Motu Contempt

At the request of this Court, Mr. Bikash Ranjan Bhattacharya, learned Senior Advocate and Mr. Samim Ahamed, Advocate, have appeared. Mr Bhattacharya 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.

(Rajasekhar Mantha)