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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 611/2023 & CM APPL. 45007/2023

NARESH SHARMA

..... Appellant

Through: Mr. Naresh Sharma, Appellant (*in-person*).

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Rakesh Kumar, CGSC for UOI.
Mr. Sanjeev Bhandari, ASC
(Criminal) with Mr. Kunal Mittal,
Mr. Arjit Sharma, Advocates for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

31.08.2023

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1. The present appeal, is one of three appeals, filed by the Appellant impugning the judgment dated 20th July, 2023 passed by the learned Single Judge in W.P. (CRL) 1809/2023 titled “*Naresh Sharma v. Union of India & Ors.*” and connected matters.¹ Right at the outset, we notice objectionable and shocking allegations against the learned Single Judge, which are detailed hereinbelow.

(i) Averments seeking criminal action against the learned Single Judge, at page 27 of the appeal, as under:

“...Since Article 14 of Constitution of India does not allow mixing unrelated things, hence, the Single Bench should be criminally charged and he has approached the Tilak Marg Police Station, New Delhi with a complaint on 11.8.2023 provided in Annexure “A-3” arguing that Judicial immunity does not apply.”

[Emphasis Supplied]

¹ W.P. (CRL) 1797/2023 and W.P. (CRL) 1798/2023.



(ii) Aspersion being cast against the impugned judgment at pages 27, 28, 31, 32, 33, and 34 of the appeal, are as under:

“7. Considering the previous two points, the Appellant has been very surprised that the judgment went against him and he cannot think of any other possibility than that Justice Sharma did not apply her mind in passing the judgment. The judgment is also ambiguously worded where the clear reasons for rejection of the Petition are not given and instead there is a forcible fit of a frivolous, vexatious Petition strongly indicative of a lack of focus on the legal merits of the Petition.”

“15. The judgment is not just baseless but also defamatory, and provides reasons for strict action against the Single Bench.”

“.. one is very surprised that the higher level of Judiciary, such as this Hon'ble Court, would call a fundamental right as “valuable” right thereby openly saying that fundamental right being honoured is a luxury, which is a sedition statement no matter what the ground realities are.”

“The Appellant states that the ethical grounds concerning a criminal, incorrect judgment stealing Article 14 from him on such an important Petition affecting his right to live properly apply on the Single Bench and not him.”

“Many of these criminal methods have been applied by Justice Sharma in her judgment who also stole the Appellant’s Article 14.”

“... it must have taken a lot of insensitivity for Justice Sharma if she understood the Petitions to write this line ignoring that the institutions of national importance, Tata-run public organisations, Tata companies are criminal, and Delhi Police en masse has given criminal, improper replies, while she did not give enough time to the Appellant to present his case in the hearing and then inserted lies in the judgment that he was given sufficient time.”

[Emphasis Supplied]

(iii) Allegations of abuse of law and criminal defamation by learned Single Judge, at pages 33, 34 and 35 of the appeal, as under:

“... the Appellant states most humbly that it is the Single Bench that has abused the process of law by forcibly fitting the Petition into fixed categories.”



“The Single Bench should be charged for criminal defamation under IPC 499 and 500 for making the aforesaid false, defamatory statement.”

“In particular, considering that the summary of the Petition provided in Points 23-27 of the judgment is nearly correct but the judgment is incorrect, IPC 77 does not apply because it cannot be said that the judgment was given by the Single Bench “in the exercise of any power which is, or which in good faith he believes to be, given to him by law”, and Judges (Protection) Act, 1985 (59 of 1985) does not apply because it cannot be said that the judgment was given by the Single Bench “in the course of, acting or purporting to act in the discharge of his official or judicial duty or function”. Hence, the Judicial immunity does not apply to the Single Bench who must be prosecuted.”

“The first sentence is in a stark contrast with terming the Petitions as an “abuse of process of law” in Point 101 of the judgment. Concerning the second sentence, the Appellant does not recall this point being discussed, which should be cross-checked by videorecording because the judgment is outrageously criminal and wrong, it is possible that the Single Bench could try to escape punishment by using this false claim, and he has asked the Police to consider applying IPC 192 and 193 on Justice Sharma. Clearly, if it was merely confirmed that he would represent himself, then that does not amount to the above quoted sentence with mischievous connotations.

The Appellant requests the Hon'ble Court that there should be an exemplary punishment given to the Single Bench because not only is the judgment wrong and defamatory, it could have the aforesaid escape mechanism to evade punishment if he were to not rebut it.”

[Emphasis Supplied]

(iv) Allegations against the learned Single Judge in the grounds of the appeal, at pages 36 and 37 of the appeal, as under:

“(b) That the Single Bench stole the Appellant’s fundamental right under Article 14 of the Constitution of India and lied in her judgment that he was heard at length.”

“22. The Appellant states that he cannot say without proof that this judgment, which stole his fundamental right under Article 14 of Constitution of India, was written by the devil but he wonders if it could be written by anyone who is not verily the devil incarnate.”

[Emphasis Supplied]



(v) A prayer against the learned Single Judge that is common to the three appeals, at page 37 of the appeal, as under:

“(b) criminally charge the Single Bench for a meaningless, defamatory, criminal, seditious judgment on such an important issue under IPC 124A, 166A(b), 167, 192, 193, 217, 405, 409, 499, 500, and Section 16 of Contempt of Courts Act, 1971 (70 of 1971), and give her death penalty considering that such blatant trampling of fundamental rights in Constitution of India by a High Court Judge in performing her duty if not punished in the strictest sense could be understood by other Judges to destroy with impunity the Judicial system of this country from within;”

[Emphasis Supplied]

2. Upon reading the above averments, it was put to the Appellant, who appears in person, to render an explanation for the same, however, none is forthcoming. The present appeal contains unsubstantiated and whimsical allegations of criminal acts by learned Single Judge seeking the punishment of death penalty and a comparison of the judge to the devil, which is distasteful and unacceptable. These averments, extracted hereinabove, are *prima facie* aimed at scandalising and lowering the authority of the Court. In our opinion, the statements have been advanced with the *malafide* intention to interfere with the administration of justice. This Court cannot disregard vilification of this magnitude against a judge of this Court. There is fine line of distinction which separates critique from allegations fuelled by disdain and a hostile intent to scandalise the court. The pleadings in the present appeal amount to the latter category and must be taken cognizance of.

3. Considering the above, let notice be issued to the Appellant i.e., Naresh Sharma s/o Dev Raj Sharma, 119, SB Nagar, Pathankot–145001, Punjab, to show-cause as to why proceedings for criminal contempt under Section 2(c) read with Section 12 of the Contempt of Courts Act, 1971,



should not be initiated against him. The notice shall indicate that, the Appellant, shall file a reply to the show-cause notice, on or before the next date of hearing.

4. List before Roster Bench on 18th September, 2023.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

AUGUST 31, 2023

as

(corrected and released on: 06th September, 2023)