

\$~2

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

+ CONT. CAS(CRL) 2/2014

COURT ON ITS OWN MOTION
Through

..... Petitioner

Versus

SEEMA SAPRA

..... Respondent

Through: Ms. Seema Sapra, respondent in person.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

HON'BLE MR. JUSTICE P.S. TEJI

ORDER

% **30.10.2015**

1. On 6.8.2015, although there were no reasons for once again allowing the stated contemnor to file the reply to the contempt petition, yet, eight weeks time was again granted, but, this opportunity has not been utilized for filing of the reply. Earlier, orders had been passed on 26.5.2014, 25.9.2014 and 10.11.2014 to file reply but still reply was not filed and consequently last opportunity was granted by the order dated 6.8.2015.

2. It is noted that the grounds were taken during the hearings in this petition of the year 2014 that the stated contemnor had fractured her leg and therefore was seeking time to address arguments.

3. It may also be noted that the main writ petition filed by the petitioner being W.P.(C) No.1280/2012 already stands dismissed by the judgment of this Court dated 2.3.2015.

4. In view of the above, right of the stated contemnor Ms. Seema Sapra to file the reply is closed. Ms. Seema Sapra is directed to address arguments in the case.

5. At this stage, Ms. Seema Sapra, the stated contemnor states that this Court should recuse itself from the matter as this Court had decided the main writ petition being W.P.(C) No.1280/2012 and dismissed the same as arguments to be addressed by the stated contemnor Ms. Seema Sapra in this petition would also turn on the aspects of merits of the writ petition.

6. In our opinion, once again the request of recusal is a totally frivolous prayer and the same is rejected inasmuch as merits of a decided writ petition has nothing to do with the order dated 6.5.2014 by which contempt was issued against the stated contemnor on account of the respondent/stated contemnor stating that Hon'ble Mr. Justice Vibhu Bakhru is corrupt. As already noted in the judgement dated 2.3.2015 in the main writ petition such a prayer had caused recusal of around 28 judges of the court from hearing the writ petition. A similar request was also made to this Bench for not hearing the writ petition and that

prayer was rejected by us.

7. Stated contemnor is again directed to commence arguments in terms of the notice issued by the Division Bench of this Court on 6.5.2014.

8. The stated contemnor in spite of being repeatedly pointed out that the limited issue before this Court is the contempt proceedings against the contemnor in terms of the order dated 6.5.2014, however the stated contemnor once again argues about the averments made by her in her writ petition being W.P.(C) No.1280/2012 and which have no bearing on hearing of this contempt petition.

9. For the last time, the stated contemnor is directed to address arguments limited to the contempt notice issued in terms of the order dated 6.5.2014 of the Division Bench of this Court.

10. The stated contemnor Ms. Seema Sapra has thereafter argued the following aspects:-

(i) The stated contemnor has made a complaint in the year 2014 to the Chief Justice of India, Hon'ble Mr. Justice K.G. Balakrishnan on the ground that Hon'ble Mr. Justice K.G. Balakrishnan had made a statement to the press that persons can make complaints against corruption of Judges.

(ii) It is argued that no one can be a Judge in his own cause and since

the issue is of contempt proceedings arising out of a complaint against a Judge of this Court on his being corrupt, i.e Hon'ble Mr. Justice Vibhu Bakhru being corrupt, this Court cannot hear the matter otherwise this Court will become a Judge in its own cause. It is also argued that on 6.5.2014, the Bench of Hon'ble Mr. Justice S. Ravindra Bhat and Hon'ble Mr. Justice Vibhu Bakhru i.e a Bench which had as its member Hon'ble Mr. Justice Vibhu Bakhru could not have issued the contempt notice on 6.5.2014.

(iii) It is argued that the main writ petition being W.P.(C) No.1280/2012 was to be heard on 6.5.2014 by the Bench of Hon'ble Dr. Justice S. Muralidhar and Hon'ble Mr. Justice Vibhu Bakhru and therefore petitioner had gone to enquire from the Court of Hon'ble Mr. Justice S. Ravindra Bhat and Hon'ble Mr. Justice Vibhu Bakhru as to when the matter was to be taken up and it was informed to her that the writ petition would be taken up by the Bench of Hon'ble Dr. Justice S. Muralidhar and Hon'ble Mr. Justice Vibhu Bakhru after the Bench of Hon'ble Mr. Justice S. Ravindra Bhat and Hon'ble Mr. Justice Vibhu Bakhru completed their Board, however, the stated contemnor found out subsequently that the Bench of Hon'ble Dr. Justice S. Muralidhar and Hon'ble Mr. Justice Vibhu Bakhru without assembling had adjourned the W.P.(C) No.1280/2012 to a long date. It is argued that it is in the heat of the moment that the stated

contemnor did make the statement that Hon'ble Mr. Justice Vibhu Bakhru was corrupt, and therefore such actions in the heat of the moment could not be taken as contempt of the Court. It is argued by the stated contemnor that she regrets having made the statement made on 6.5.2014 that Hon'ble Mr. Justice Vibhu Bakhru was corrupt.

(iv) Hon'ble Mr. Justice Vibhu Bakhru was not entitled to be a part of the Bench for hearing W.P.(C) No.1280/2012 inasmuch as Hon'ble Mr. Justice Vibhu Bakhru was a lawyer of General Electric Company for different years and that in fact the stated contemnor recollects that she had talked about the facts of the W.P.(C) No.1280/2012 on various occasions with Hon'ble Mr. Justice Vibhu Bakhru as a lawyer in the lobby of this Court.

(v) It is argued that the stated contemnor is being harassed by the police who is seeking to poison her by releasing toxic gas and even today police personnel were harassing her in Court.

11. Arguments heard. Judgment reserved.

VALMIKI J. MEHTA, J

P.S. TEJI, J

OCTOBER 30, 2015/Ne
CONT. CAS(CRL) 2/2014

page 5 of 5