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

Reserved on: 06.04.2026
Pronounced on: 21.04.2026

\+ CONT.CAS.(CRL) 3/2025 & CRL.M.A. 1909/2026, CRL.M.A. 2184/2026, CRL.M.A. 5815/2026, CRL.M.A. 9152/2026

COURT ON ITS OWN MOTION .....Petitioner

Through: Mr.Harsh Prabhakar, Advocate *(Amicus Curiae)* with Mr.Dhruv Chaudhry, Mr.Shubham Sourav and Mr.Vijit Singh, Advocates.
Mr.Vivek Kumar Tandon and Ms.Laxmi Gupta, Advocates (DHCLSC).
Mr.Krishna Shukla, Advocate.

versus

SHIV NARAYAN SHARMA ADV. AND ORS. ....Respondents

Through: Mr. Sacchin Puri and Mr.Sanjeev Sagar, Senior Advocates with Ms.Mehak Ghaloth, Mr.Abhishek Singh, Mr.Anil Dhyani, Ms.Ashna Bhola, Ms.Vidushi Srivastava, Advocates for R-1.
Mr.Gulshan Pahuja in person.
Mr.Aman Usman, APP with Mr.Manvendra Yadav and Mr.Atiq Ur Rehman, Advocates for State.

\+ CONT.CAS.(CRL) 4/2025

COURT ON ITS OWN MOTION .....Petitioner

Through: Mr.Harsh Prabhakar, Advocate *(Amicus Curiae)* with Mr.Dhruv Chaudhry, Mr.Shubham Sourav and Mr.Vijit Singh, Advocates.
Mr.Vivek Kumar Tandon and Ms.Laxmi Gupta, Advocates

(DHCLSC).
Mr.Krishna Shukla, Advocate.

versus

DEEPAK SINGH, ADVOCATE AND ANR. .....Respondents

Through: Mr.Sacchin Puri and Mr.Sanjeev Sagar, Senior Advocates with Ms.Mehak Ghaloth, Mr.Abhishek Singh, Mr.Anil Dhyani, Ms.Ashna Bhola, Ms.Vidushi Srivastava, Advocates for R-1.
Mr.Gulshan Pahuja in person.
Mr.Aman Usman, APP with Mr.Manvendra Yadav and Mr.Atiq Ur Rehman, Advocates for State.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

J U D G M E N T

NAVIN CHAWLA, J.

1. These Contempt Petitions have been registered on the reference dated 15.01.2025 addressed by Ms. Charu Asiwal, the learned ACJ/CCJ-ACR, Shahdara, Karkardooma Courts, Delhi; and the reference dated 10.03.2025 addressed by Mr. Ajay Singh Parihar, the learned ACJ-CCJ-ARC, North, Rohini Courts, respectively, making complaints regarding contentious videos and banners (dated 29.10.2024 and 05.01.2025 as far as Contempt Case (Crl) 3/2025 is concerned, and dated 03.03.2025 and 07.03.2025 as far as Contempt Case (Crl) 4/2025 is concerned) uploaded by Mr. Gulshan Pahuja, who is the respondent no.2 in both of these petitions, on his YouTube

channel "*Fight 4 Judicial Reforms*".

CONT. CAS. (CRL) 3/2025:

2. In the YouTube video uploaded on 29.10.2024, the respondent no. 2 interviews Mr.Shiv Narayan Sharma, Advocate (respondent no.1 in the said contempt case), and the introduction itself gives the tenor of the interview. A photo transcript of the same is as under:-

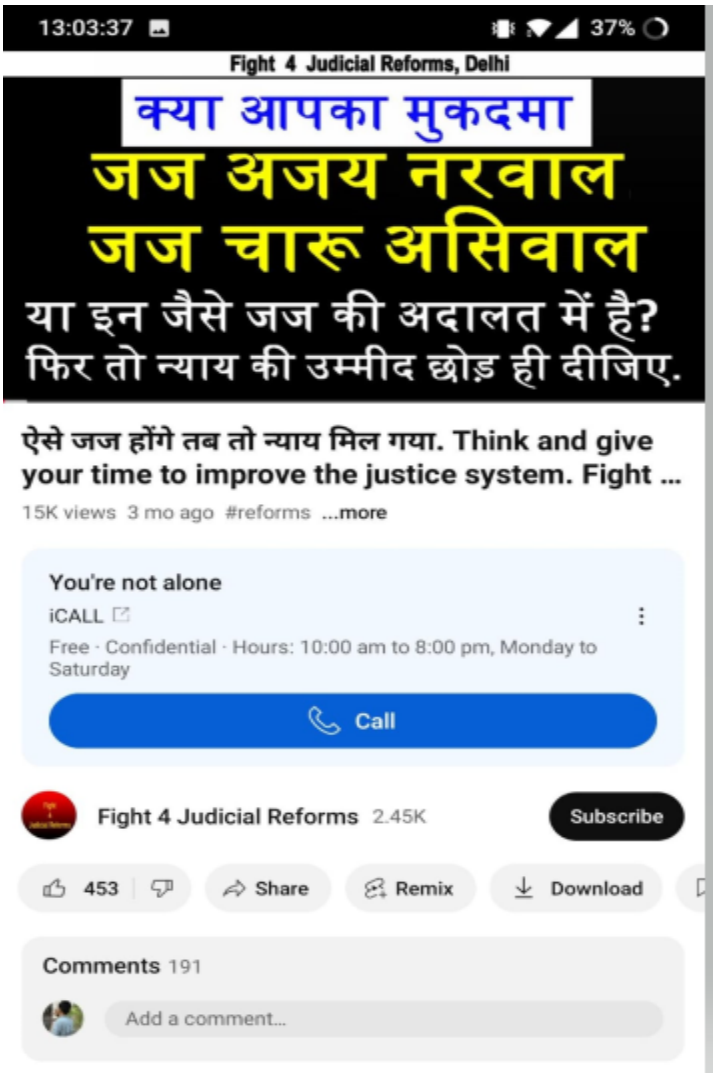
3. The interview is primarily aimed towards a demand for having audio-video recordings of the Court proceedings in general and discusses two cases which had been allegedly dealt with by the above named judicial officers.

4. The respondent no.1, Mr. Shiv Narayan Sharma, in the course of the interview, details his alleged experience in two cases; one before the Court of Ms. Charu Asiwal and the other before the Court of Mr. Ajay Narwal. In the course of the interview, however, respondent no. 1 makes some objectionable and derogatory remarks against the judicial officers and the judicial institution as a whole. We are not giving complete details of the same as respondent no. 1, Mr. Shiv Narayan Sharma, has filed a reply dated 19.08.2025, tendering his unconditional and unqualified apology for the same. He has also appeared in person before us and has reiterated his apology with an undertaking not to make such scandalous and derogatory remarks in future. We find the apology to be genuine and, therefore, accept the same. For the said reason, we drop the proceedings and discharge respondent no. 1, Mr. Shiv Narayan Sharma in Cont. Cas. (Crl.) 3/2025.

5. The respondent no. 2, however, has continued to justify his actions and, therefore, we shall be proceeding with further consideration of the two Contempt Cases against him.

6. As noted hereinabove, in the reference dated 15.01.2025, Ms. Charu Asiwal has also made a reference to a second YouTube video uploaded by respondent no. 2, Mr. Pahuja, on 05.01.2025 on his

YouTube channel "*Fight 4 Judicial Reforms*". The said video starts with the banner, as under:-



7. In the video, after a brief introduction wherein the respondent no.2, without naming anyone, makes a complaint regarding some judges not working or being corrupt. Thereafter, the entire interview of respondent no. 1, Mr. Shiv Narayan Sharma, as contained in video no.1 dated 29.10.2024, reference to which has been made

hereinabove, appears.

8. Ms. Asiwal, in her reference dated 15.01.2025, has stated that the second video was posted by the respondent no. 2 only because the first video did not attract many viewers and that the respondent no. 2 wanted to make it more scandalous by adding the banner at the inception of the video, as has been reproduced hereinabove. His intent has been fulfilled as almost immediately the video started attracting attention and had almost 13,000 views, which compelled her to write a complaint dated 11.10.2024 to the Joint C.P., IFSO/Special Cell, Delhi Police.

9. At the outset, we would note and clarify that as far as the campaign launched by the respondent no. 2 for having audio-visual recording of the court proceedings is concerned, there can be no objection, certainly not in contempt jurisdiction, as this is his campaign on an issue which he believes will bring about a reform in the justice dispensation system. We must at the very outset emphasise that contempt jurisdiction is not to be exercised nor is being exercised herein for, in any manner, opposing the said campaign. Every person is entitled to hold an opinion, and to express it, on the manner in which the justice dispensation system can be improved. However, in our view, naming of the two specific judicial officers and the manner of doing so in the banner, is not intended to promote the said campaign of having audio-video recording of the court proceedings, but to create sensationalism and distrust against the two named judicial officers, thereby lowering their authority.

CONT. CAS. (CRL) 4/2025:

10. As far as Contempt Case (Crl.) 4/2025 is concerned, the video dated 03.03.2025 uploaded by the respondent no. 2 starts with the banner as under:-

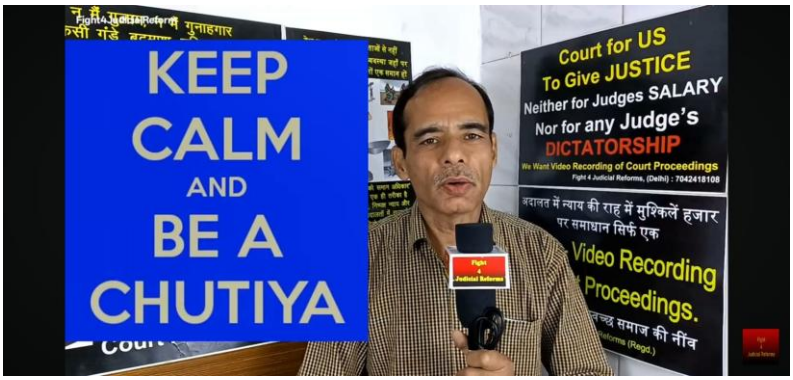
11. The video contains an interview of the respondent no.1 in the said case, that is, Mr.Deepak Singh, wherein he narrates the alleged proceedings of a case before the Court of Mr.Ajay Singh Parihar, who was holding the Electricity Court. It also contains certain derogatory and contentious remarks made by the respondent no.1, Mr. Deepak Singh, against the Court. However, respondent no. 1, Mr. Deepak

Singh, has also filed a reply dated 19.08.2025, tendering an unconditional and unqualified apology to the Court. He has also appeared in person and reiterated his apology, which the Court finds to be genuine. He has undertaken to the Court that he will not repeat such actions of making scandalous remarks against any judicial officer or the judicial institution in future. For the said reason, we drop the proceedings and discharge respondent no. 1, Mr. Deepak Singh, in this regard.

12. As far as the first video is concerned, the respondent no. 2 again pleads that it, along with its banner, has been uploaded *bona fide* and in public interest. We shall consider the said plea in detail in the later part of our judgment.

13. Contempt Case (Crl.) 4/2025 is also based on the second video which was uploaded by the respondent no.2, Mr.Pahuja, on 07.03.2025. The said video starts with a banner, as under:-

14. It also contains, almost at the inception (00.00.22 seconds), another banner, as under:-



15. The respondent no.2 introduces the said video by stating as under:-

> *"Namashkar mai Delhi se Gulshan Pahuja, Fight for Judicial Reform se. Capital 'C', (At 0.17) "**Supreme Court aur Adaalatein kaise Captial 'C' banati hai.**"*
>
> ***00:00:22 (Banner appears on the screen)***
> *Abhi jo Ranveer Allahbadia ka jo mamla aaya tha abhi Samay Raina ke saath mein ki usne show ke andar kaafi galat aisi cheese kahi jo maafi ke layak nahi hai*
> *Par kaise Capital 'C" banaya jata hai ye maamla ek acha udaharan hai. **(At 0.42 min) "Capital 'C' shayad samaj gaye honge aap ki mai kya keh raha hu mai?"** Agar mai kahunga toh Ranveer Allahbadia aur Apporva Arora se pehle jisne 'Hostage' naam ki koi web series banayi thi, **(At 0.55 min) "usko toh baksh diya, par mereko nahi bakshenge. Unko toh mauka chahiye hota hai dikhane ka ki humne ye nyay kiya, ki samaj se humne gandaşi saaf kar di."** Humne ye kar diya, humne woh kar diya, par karte kya hai woh alag baat hai.*

Capital "C" banaya jata hai Salman Khan ke jaise maamlon ke andar.

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(At 3.27 min) "Capital 'C" word yaad rakhiyega mera. C se bohot saare shabdh shuru hote hai. Unhi mein se ek shabdh ye bhi hai. 'C' 'H' CH-A!"

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(At 7.09 min) "Toh humare desh ki adaalaton se aap ye samajhe ki humare desh ke andar apradh ko rok taan mil jayegi, kami mil jayegi, koi benefits milenge. Mereko toh nahi lagta". *Aapko lagta hai toh aap apni khushfehmi paalte rahiye aap.*

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Dosh hota hai sarkaar ke upar ke sarkaar gala ghot rahi hai. ***(At 10.34 min) "Supreme Court kaunsa gala nahi ghot rahi?"*** *Kitne letter likhke dete hai aap log? Kya letter ka jawab milta hai apko? Ye bhi gala ghotna hi hai!*

(At 10.46 min) "Isiliye mai keh raha hu ki Capital 'C' hi banati hai Supreme Court bhi. *" Kanoon sabke liye barabar nahi hai humare desh ke andar, sirf likha hua hai. Ambedkar ji ne likh diya "Kanoon barabar hai", par kya kanoon barabar hai sabke liye?"*

16. Herein we would emphasise that we are not proceeding against the respondent for the explicits used by him, but his intent to scandalise and lower the authority of not only the Supreme Court but the entire judiciary.

PROCEEDINGS IN THESE REFERENCES:

17. Before proceeding further with our judgment, we must also note that we, in our order dated 26.02.2026, had recorded the statement of the respective respondent no.1 in both these cases, that is, Mr. Shiv Narayan Sharma and Mr.Deepak Singh, wherein they had stated that

they had not given any consent or permission for the uploading or publication of the videos of their interviews and were not aware of the thumbnails or posters/banners posted and used in the videos and had also filed affidavit to this effect. We had also given an opportunity to the respondent no.2, Mr.Gulshan Pahuja, in these contempt cases to respond to the said stand of the respective respondent no. 1. As far as the banners are concerned, he stated that the respondent no.1 did not have any role in the same. We reproduce the relevant extract of the order as under:-

> *"1. Pursuant to our order dated 23.12.2025, affidavits have been filed by the respondent no.1, namely, Mr. Shiv Narayan Sharma and Mr.Deepak Singh, respectively, in both the above contempt cases, stating therein that, they had not given any consent or permission for the uploading and publication of the videos of their interviews given to the respondent no.2-Mr. Gulshan Pahuja. They further state that they were not aware about the thumbnail and the poster pasted and used in the aforesaid interviews and that no permission/consent had been taken from them by the respondent no.2 for adding such thumbnail and poster.*
>
> *2. In terms of the opportunity granted to the respondent no.2 vide our order dated 19.01.2026, Mr. Gulshan Pahuja has filed a reply under Diary No.71753. The reply, however, merely states that since the respondent no.1 in both the contempt cases have not sought any enquiry against him, he does not wish to state anything further in that regard.*
>
> *3. On a specific query of this Court, in answer of both the above issues, that is, whether videos of the interviews of the respondent no.1 in both the contempt cases*

were uploaded with their permission/consent and as to whether the respondent no.1 in both the contempt cases had any role in uploading the thumbnail and poster or whether the same had been uploaded with their consent and knowledge, Mr. Pahuja has answered by stating that once the respondent no.1 in the respective contempt cases were giving interviews in front of the camera, they were well aware that the same would be uploaded on the YouTube channel run by the respondent no.2-Mr. Gulshan Pahuja.

4. As far as the uploading of the thumbnail and poster is concerned, he admits that the respondent no.1 in the respective contempt cases had no role in the creation or uploading of the same and that their permission/consent had not been obtained by him."

(*Emphasis supplied*)

18. This Court, by its order dated 23.12.2025, had framed the following charges against the respondent No. 2 in both matters, respectively:–

*"**CONT.CAS.(CRL) 3/2025***

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10. At the moment, we deem it proper to summarize the accusations appearing against respondent No.2 which are as under:-

i) You published an interview which you had with respondent No.1 Shri Shiv Narayan Sharma, Advocate on your YouTube Channel "Fight 4 Judicial Reforms", firstly on 29.10.2024 and a revised video of such interview of 05.01.2025, and one such video, uploaded on 05.01.2025, has the following thumbnail/title/banner:-

"क्या आपका मुकदमा
जज अजय नरवाल

जज चारू असिवाल
या इन जैसे जज की अदालत में है?
सिर तो न्याय की उम्मीद छोड़ ही दीसजए"

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CONT.CAS.(CRL) 4/2025

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19. The accusations/charges against respondent No.2 with respect to this contempt petition are as under: -

(i) You published one video on your YouTube Channel "Fight 4 Judicial Reforms" on 03.03.2025 and the banner/title/thumbnail of the abovesaid video is as under:-

"दिल्ली की रोहिणी कोर्ट के जज अजय सिंह परिहार की अदालत में आपका मुकदमा है तो भगवान् ही आपका मालिक है"

(ii) In the second video posted by you, on your such You Tube Channel on 07.03.2025, you have used derogatory, disparaging and abusive words, in the banner as well as in the video, for the Hon'ble Supreme Court and other Courts."

19. The respondent No. 2, as recorded in the order dated 23.12.2025, had refused the assistance of a counsel and has continued to appear in person. By the same order, his application, that is, Crl. M.A. 28644/2025, filed in Cont. Cas. (CRL) 3/2025, seeking audio-video recording of the Court proceedings in the present Contempt Petition, was also allowed and it was directed that the Court Master shall ensure that the proceedings of the present cases are recorded through the Webex platform from then onwards.

20. The respondent no. 2 had also claimed that he is not well versed in the English language and, therefore, by the order dated 19.01.2026, this Court had directed that all his pleadings filed in Hindi be taken on record by the Registry, and further, the Court proceedings were also conducted in the Hindi language. Translated copies of the orders passed were supplied to him.

21. Mr. Pahuja, apart from filing various applications, as far as the substance of the allegations against him is concerned, has filed a reply by way of e-mail dated 04.12.2025, wherein he states that he, as a concerned citizen, expressed his concern about the present judicial system which, according to him, can be improved only by making systematic reforms in the same. He states that when any offender is not given just punishment, he feels emboldened to commit further offences. He states that his intention was *bona fide* and he should not be made to stop criticising the Judges by invoking the contempt jurisdiction against him. He states that he had filed a case for eviction against his tenant in the year 1988, however, the same has been pending and his experience of the court proceedings has been bad. He states that the concerned Judge had not even read his file for the last six months and the case had not been admitted for last six months and for six dates, though it is complete in all respects. He then narrates another experience on a complaint filed by him regarding some money owned by his friend which the friend had refused to return and he was made to go to the Police Station a number of times, however, the Police took no action on his complaint. Importantly, he does not state

that the judicial officers named by him are the ones where his cases were pending. He, however, makes the following statement with respect to the three Judicial Officers named in his banners:-

> *"न्यायलयों को मैंने बहुत करीब से देखा है मैं दावे से कह सकता हूँ कि ऐसा हो ही नहीं सकता जज चारु असिवाल, जज अजय सिंह परिहार, जज अजय नरवाल जी की अदालत में आज तक बिला वजह तारीख पर तारीख न लगी हो चाहे उसमें किसी वकील साहब का लिहाज़ ही किया गया, न्याय की दृष्टि से लिहाज़ भी पीड़ित के साथ अन्याय है। पीड़ित का एक एक दिन कीमती होता है। अगर ऐसा हुआ है तो क्या इन पर अवमानना का मुकदमा लगा कर क्या उस पीड़ित को हर्जाना दिया जाएगा?"*

22. He also makes a plea that there should be audio-video recording of the Court proceedings in all Courts. He then makes the following generalized statements:-

> *"1. न्याय मिलने में अत्यधिक देरी से जनता का विश्वास कम होता है।*
> *2. अदालतों में भ्रष्टाचार के मामलों में जजों की कथित संलिप्तता जनता का विश्वास कम होता है।*
> *3. जजों द्वारा रिश्वत मांगने या स्वीकार करने के आरोप से जनता का विश्वास कम होता है।*
> *4. कुछ जजों का अत्यधिक अवकाश लेना, जिससे मुकदमों में और देरी होती है जिस से जनता का विश्वास कम होता है।*
> *5. कुछ जजों का अदालत में पूरा समय न देना, इस से भी विश्वास कम होता है।*
> *6. मामलों में लगातार सुनवाई स्थगित करने से जनता का विश्वास कम होता है।*
> *7. फैसलों में पारदर्शिता की कमी और अस्पष्ट तर्क से जनता का विश्वास कम होता है।*

8. कुछ जजों का पक्षपातपूर्ण व्यवहार या किसी विशेष समूह के प्रति झुकाव से जनता का विश्वास कम होता है।
9. जजों द्वारा लंबी और जटिल कानूनी प्रक्रियाओं को बढ़ावा देने से जनता का विश्वास कम होता है।
10. कमजोर और गरीबों के प्रति संवेदनहीनता के आरोप लगने से जनता का विश्वास कम होता है।।
11. बड़े और प्रभावशाली लोगों के पक्ष में फैसले सुनाने के आरोप लगने से जनता का विश्वास कम होता है।
12. अदालती अवमानना के नाम पर आलोचना को दबाने से जनता का विश्वास कम होता है।
13. जजों की नियुक्ति प्रक्रिया में अपारदर्शिता और भाई-भतीजावाद से से जनता का विश्वास कम होता है।
14. न्यायिक जवाबदेही की कमी और जजों के खिलाफ कार्रवाई के अभाव से जनता का विश्वास कम होता है।
15. कुछ जजों के अहंकारी या निरंकुश व्यवहार से जनता का विश्वास कम होता है।
16.महत्वपूर्ण मामलों में जनहित को नजरअंदाज करना से जनता का विश्वास कम होता है।
17. वकीलों के साथ कथित मिलीभगत कर तारीख पर तारीख को बढ़ावा देने से जनता का विश्वास कम होता है।
18. खुद को इतना ख़ास बना देने से न्याय प्रक्रिया को आम आदमी की पहुंच से दूर होने से जनता का विश्वास कम होता है।
19. सामाजिक और आर्थिक असमानताओं को संबोधित करने में विफलता!
20. जजों द्वारा कठोर टिप्पणियां करना जो जनता की भावनाओं को ठेस पहुंचाती हैं'

23. He states that other persons are also posting similar complaints on social media and against them no action has been taken.

24. He gives various moral lectures and other generalized statements, however, specifically does not deal with the allegations on basis of which the present contempt cases have been registered against

him.

25. The respondent no. 2 further filed written arguments *vide* Index dated 22.03.2026, in which he claims truth as a defence. He also invoked Section 13(b) of the Contempt of Courts Act, 1971 (hereinafter referred to as '*the Act*'), stating that if the statements are made in public interest and bona fide, the same shall be accepted as a defence to the contempt proceedings. He further invoked Article 19(1)(a) of the Constitution of India. He submitted that the Court must enquire as to why he had made the statements attributed to him rather than proceeding against him in contempt. He stated that he is performing a public duty by raising the issues and, therefore, invoked Article 51A of the Constitution of India. He again reiterated his allegations against the Judicial Officers, stating therein, as under:–

> *"11. माननीय, वादी पक्ष (शिकायतकर्ता न्यायाधीश सुश्री चारु असिवाल जी, श्री अजय सिंह परिहार जी एवं न्यायिक प्रणाली) स्वयं स्थापित कानून और प्रक्रियाओं का पूर्णतः पालन नहीं कर रहे हैं। वादी पक्ष स्वयं स्वच्छ हाथों (Clean Hands) के साथ न्यायालय के समक्ष उपस्थित नहीं हुआ है"*

26. He also made allegations on certain judicial orders passed in these proceedings, stating that they were non-speaking and were being passed without giving him an opportunity of a full hearing.

27. When the matter was listed for final hearing on 25.03.2026, the respondent no. 2 filed yet another application, being Crl. M.A. 9152/2026, praying for the following relief:–

> *"न्यायहित में अपेक्षित है कि:*

"न्यायहित और निष्पक्षता सुनिश्चित करने हेतु, मुझे अंतिम बहस(Final Arguments) के लिए पर्याप्त समय प्रदान किया जाए। मेरा विनम्र निवेदन है कि मुझे प्रति सत्र(Session) एक से दो घंटे और कुल मिलाकर कम से कम 20 घंटों का समय उपलब्ध कराया जाए, ताकि मैं अपने पक्ष को समस्त तथ्यों और साक्ष्यों के साथ माननीय न्यायालय के समक्ष विस्तारपूर्वक रख सकूँ।
चूँकि यह प्रकरण मेरे जीवन और भविष्य का अत्यंत महत्वपूर्ण प्रश्न है, अतः न्याय के सिद्धांतों को ध्यान में रखते हुए, न्यायालय को मुझे बिना किसी व्यवधान के यह समय सुनिश्चित करना चाहिए ।" तथा प्रत्येक आदेश reasoning speaking प्रदान किया जाए"

28. The respondent no. 2 was granted an oral hearing spreading to almost two and a half hours, wherein he started reading through his application, previous reply and the written arguments filed by him. After hearing him at length, the cases were reserved for judgment. However, he then filed an application, being Crl.M.A. 10002/2026, claiming that he had not said "*I REST MY CASE*" and therefore, in compliance with principles of natural justice, he should be given further opportunity to present his case.

29. Though we had already granted full opportunity of presenting his defence to the respondent no. 2, in the interest of justice, we allowed the said application and listed these cases for further hearing on 06.04.2026.

30. On 06.04.2026, the respondent no. 2 read through his application, that is, Crl. M.A. 10002/2026, and made further submissions, primarily contending that he had acted in a *bona fide* manner in posting the subject videos on his YouTube channel. Placing

reliance on decisions in ***Hari Das & Anr v. State of West Bengal & Ors,*** (1964) SCC OnLine SC 264; ***P. Mohanraj v. Shah Bros.*** (2021) 6 SCC 258; and ***Khushi Ram v. Sheo Vati,*** (1953) 1 SCC 726, he submitted that in these proceedings, he enjoys the same rights as available to an accused in a criminal case.

31. Further, placing reliance on decisions in ***Power, Privileges and Immunities of State, In Re. Special Reference No. 1 of 1964,*** (1964) SCC OnLine SC 21; and ***Andre Paul Terence Ambard v. Attorney General of Trinidad & Tobago,*** (1936) SCC OnLine PC 15, he submitted that the jurisdiction for proceeding with criminal contempt must be exercised extremely carefully and with restraint and due application of mind. He submitted that the jurisdiction must be invoked rarely, as repeated invocation of the same may cause damage to the repute of the judicial institution rather than protecting the same. In support, he placed reliance on decision in ***T.C. Gupta v. Hari Om Prakash,*** (2013) 10 SCC 658.

32. After again hearing the respondent no. 2 at length on 06.04.2026, we reserved these cases for pronouncement, however, the respondent no. 2 circulated his written submissions by way of an email dated 07.05.2026 addressed to our Court Master. We have also considered the same in our judgment.

33. In the written submissions filed by the respondent no. 2, he contends that in ***In Re, Bhilwara (Raj.)***, [2026:RJ-JD:6479-DB], the Rajasthan High Court has clarified that every citizen has a right to *bona fide* criticize the courts, and by curtailing such criticism, the

authority of the court will not increase. In the judgment, it was also clarified that a statement may be derogatory but that does not amount to contempt; it can be contempt only when the statement causes a genuine and grave damage to the judicial system and is intended to bring the same to disrepute with *mala fide* intent. If it is made in public interest, based on facts and without any ill-intent, the same is protected under Article 19(1)(a) of the Constitution of India.

34. The respondent no. 2 has also placed reliance on the judgment of the Supreme Court in ***Nirbhay Singh Suliya v. State of Madhya Pradesh & Anr.***, 2026 SCC OnLine SC 8, to submit that the Supreme Court has held that anyone making a false complaint, including insulting the judicial officer, should be visited with harsh punishment. However, if such complaint is found to be *prima facie* correct, then such judicial officer must be immediately and in accordance with law, proceeded against. Every harsh criticism/statement is not contempt and every citizen has a right to criticize the judicial system. It is only when it is made with an ill-intent that it will amount to contempt.

35. He has also placed reliance on the judgment of this Court in ***Court on its own Motion v. DSP Jayant Kashmiri & Ors.***, 2017 SCC OnLine Del 7387, to submit that this Court has held that the magnanimity of this Court is in proceeding with a contempt jurisdiction with restraint.

36. He also placed reliance on the judgments of the Supreme Court in ***Re: S. Mulgaokar***, (1978) 3 SCC 339, ***State of M.P. v. Narmada Bachao Andolan***, (2011) 7 SCC 639 and in ***T.C. Gupta*** (supra). He

submits that, on the contrary, the recent trend is that the government advocates do not present the case as an officer of the court and without any favour, but as an opposing party. He submits that this had forced the Supreme Court in ***Mahabir & Ors. v. State of Haryana***, 2025 SCC OnLine SC 184, to hold that in case the government advocates hide material facts or mislead the court, they must be proceeded against.

37. He submits that in the present case, the charge does not specify the statements made by the respondent no. 2 which have been found to be objectionable, because of which he is unable to give a proper reply.

ANALYSIS AND FINDINGS:

38. We have considered the above submissions of the respondent no. 2.

39. Section 2(c) of the Act defines the term '*criminal contempt*' as under:–

> *"**2. Definitions.**-*
> *(c) "criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations, 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;"*

40. In ***Brahma Prakash Sharma & Ors. v. State of Uttar Pradesh***, (1953) 1 SCC 813, the Supreme Court was considering a resolution passed by the District Bar Association at Muzaffarnagar criticising the working of the two Judicial Officers. The Supreme Court highlighted that the object of the contempt proceeding is not to afford protection to judges personally from imputations to which they may be exposed as individuals, but is intended to be a protection to the public, whose interests would be very much affected if, by the act or conduct of any party, the authority of the court is lowered and the sense of confidence which people have in the administration of justice is weakened. Casting unwarranted and defamatory aspersions upon the character or ability of the Judges amounts to contempt, as it tends to create distrust and impair the confidence of the people. Where such comment is made in exercise of the right of fair and reasonable criticism, it may not amount to contempt. However, when attacks or comments are made which are disparaging in character and derogatory to their dignity, distinction should be made between defamation and what is calculated to interfere with the due course of justice and proper administration of law by the Court. We may quote from the judgment as under:–

> *"**9.** It admits of no dispute that the summary jurisdiction exercised by superior courts in punishing contempt of their authority exists for the purpose of preventing interference with the course of justice and for maintaining the authority of law as is administered in the courts. It would be only repeating what has been said so often by various Judges that the*

object of contempt proceedings is not to afford protection to Judges personally from imputations to which they may be exposed as individuals; it is intended to be a protection to the public whose interests would be very much affected if by the act or conduct of any party, the authority of the court is lowered and the sense of confidence which people have in the administration of justice by it is weakened.

10. *There are indeed innumerable ways by which attempts can be made to hinder or obstruct the due administration of justice in courts. One type of such interference is found in cases where there is an act or publication which "amounts to scandalising the court itself" —an expression which is familiar to English lawyers since the days of Lord Hardwicke [Read and Huggonson, In re, (1742) 2 Atk 469 at p. 471 : 26 ER 683]. This scandalising might manifest itself in various ways but, in substance, it is an attack on individual Judges or the court as a whole with or without reference to particular cases casting unwarranted and defamatory aspersions upon the character or ability of the Judges. Such conduct is punished as contempt for this reason that it tends to create distrust in the popular mind and impair confidence of people in the courts which are of prime importance to the litigants in the protection of their rights and liberties.*

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13. *It seems, therefore, that there are two primary considerations which should weigh with the court when it is called upon to exercise the summary powers in cases of contempt committed by "scandalising" the court itself. In the first place, the reflection on the conduct or character of a Judge in reference to the discharge of his judicial duties, would not be contempt if such reflection is made in the exercise of the right of fair and reasonable criticism which every*

citizen possesses in respect of public acts done in the seat of justice. It is not by stifling criticism that confidence in courts can be created. "The path of criticism", said Lord Atkin [Ambard v. Attorney General for Trinidad and Tobago, 1936 AC 322 at p. 335 (PC)] "is a public way. The wrong-headed are permitted to err therein; provided that members of the public abstain from imputing motives to those taking part in the administration of justice and are genuinely exercising a right of criticism and not acting in malice, or attempt to impair the administration of justice, they are immune."

14. *In the second place, when attacks or comments are made on a Judge or Judges, disparaging in character and derogatory to their dignity, care should be taken to distinguish between what is a libel on the Judge and what amounts really to contempt of court. The fact that a statement is defamatory so far as the Judge is concerned does not necessarily make it a contempt. The distinction between a libel and a contempt was pointed out by a Committee of the Privy Council, to which a reference was made by the Secretary of State in 1892 [Special Reference from the Bahama Islands, In re, 1893 AC 138 (PC)] . A man in the Bahama Islands, in a letter published in a colonial newspaper criticised the Chief Justice of the Colony in an extremely ill-chosen language which was sarcastic and pungent. There was a veiled insinuation that he was an incompetent Judge and a shirker of work and the writer suggested in a way that it would be a providential thing if he were to die. A strong Board constituting of 11 members reported that the letter complained of, though it might have been made the subject of proceedings for libel, was not, in the circumstances, calculated to obstruct or interfere with the course of justice or the due administration of the law and therefore did not*

constitute a contempt of court. The same principle was reiterated by Lord Atkin in Debi Prasad Sharma v. King Emperor [Debi Prasad Sharma v. King Emperor, (1942-43) 70 IA 216 : 1943 SCC OnLine PC 31] referred to above. It was followed and approved of by the High Court of Australia in R. v. Nicholls [R. v. Nicholls, (1911) 12 CLR 280 (Aust)] , and has been accepted as sound by this Court in Bathina Ramakrishna Reddy v. State of Madras [Bathina Ramakrishna Reddy v. State of Madras, (1952) 1 SCC 154 : 1952 SCR 425]. The position therefore is that a defamatory attack on a Judge may be a libel so far as the Judge is concerned and it would be open to him to proceed against the libeller in a proper action if he so chooses. If, however, the publication of the disparaging statement is calculated to interfere with the due course of justice or proper administration of law by such court, it can be punished summarily as contempt. One is a wrong done to the Judge personally while the other is a wrong done to the public. It will be an injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the Judge or to deter actual and prospective litigants from placing complete reliance upon the court's administration of justice, or if it is likely to cause embarrassment in the mind of the Judge himself in the discharge of his judicial duties. It is well established that it is not necessary to prove affirmatively that there has been an actual interference with the administration of justice by reason of such defamatory statement; it is enough if it is likely, or tends in any way, to interfere with the proper administration of law ."

41. In ***Re: S. Mulgaokar*** (supra), the then Chief Justice, Justice M.H. Beg, while observing that the judiciary cannot be immune from

criticism, held that when such criticism is based on obvious distortion or gross misstatement or is made with design to lower respect for the judiciary and destroy public confidence in it, it cannot be ignored. While it may be better in many cases for the judiciary to adopt a magnanimously charitable attitude even when utterly uncharitable and unfair criticism of its operations is made out of *bona fide* concern for improvement, but when there appears some scheme and a design to bring about results which would damage confidence in our judicial system and demoralize Judges by making malicious attacks, the same must be severely dealt with.

42. Justice V.R. Krishna Iyer, in his concurring opinion, observed that not every commission of contempt should result in committal or punishment; it is to be used wisely and economically. It must also be harmonized with constitutional values of fair criticism. It exists to protect public confidence in administration of justice, and if the Court considers the attack on the judges as scurrilous, offensive, intimidatory or malicious beyond condonable limits, the strong arm of the law must, in the name of public interest and public justice, strike a blow on him who challenges the supremacy of the rule of law. The principles applicable were summarized by Justice V.R. Krishna Iyer in the said judgment, as under:–

> *"**26.** What then are the complex of considerations dissuasive of punitive action? To be exhaustive is a baffling project; to be pontifical is to be impractical; to be flexible is to be realistic. What, then, are these broad guidelines not a complete inventory, but precedentially validated judicial norms?*

27. *The first rule in this branch of contempt power is a wise economy of use by the Court of this branch of its jurisdiction. The Court will act with seriousness and severity where justice is jeopardised by a gross and/or unfounded attack on the Judges, where the attack is calculated to obstruct or destroy the judicial process. The Court is willing to ignore, by a majestic liberalism, trifling and venial offences - the dogs may bark, the caravan will pass. The Court will not be prompted to act as a result of an easy irritability. Much rather, it shall take a noetic look at the conspectus of features and be guided by a constellation of constitutional and other considerations when it chooses to use, or desist from using, its power of contempt.*

28. *The second principle must be to harmonise the constitutional values of free criticism, the Fourth Estate included, and the need for a fearless curial process and its presiding functionary, the Judge. A happy balance has to be struck, the benefit of the doubt being given. generously against the Judge, slurring over marginal deviations but severely proving the supremacy of the law over pugnacious, vicious, unrepentant and malignant contemners, be they the powerful press, gang-up of vested interests, veteran columnists of Olympian establishmentarians. Not because the Judge, the human symbol of a high value, is personally armoured by a regal privilege but because "be you the contemner ever so high, the law the People's expression of justice is above you". Curial courage overpowers For, it blesseth him that gives and him that takes. Where freedom of expression, fairly exercised, subserves public interest in reasonable measure, public justice cannot gag it or manacle it, constitutionally speaking A free people are the ultimate guarantors of fearless justice. Such is the cornerstone of our Constitution; such is the touchstone of our Contempt Power, oriented on the confluence*

of free speech and fair justice which is the scriptural essence of our Fundamental Law. Speaking of the social philosophy and philosophy of law in an integrated manner as applicable to contempt of court, there is no conceptual polarity but a delicate balance, and judicial "sapience" draws the line. As it happens, our Constitution-makers foresaw the need for balancing all these competing interests. Section 2(1)(c) of the Contempt of Courts Act, 1971 provides:

> *"'Criminal contempt' means the publication (whether by words, spoken or written, or by signs, or by visible representations, 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"*

This is an extremely wide definition But, it cannot be read apart from the conspectus of the constitutional provisions within which the Founding Fathers of the Constitution intended all past and future statutes to have meaning. All laws relating to contempt of court had, according to the provisions of Article 19(2), to be "reasonable restrictions" on the exercise of the right of free speech. The courts were given the power-and, indeed, the responsibility to harmonise conflicting aims, interests and values. This is in sharp contrast to the Phillimore Committee Report on Contempt of Court in the United Kingdom which did not recommend the defence of public interest in contempt cases.

29. *The third principle is to avoid confusion between personal protection of a libelled Judge and prevention of obstruction of public justice and the community's confidence in that great process. The former is not contempt, the latter is, although overlapping spaces abound.*

30. *Because the law of contempt exists to protect public confidence in the administration*

of justice, the offence will not be committed by attacks upon the personal reputation of individual Judges as such. As Professor Goodhart has put it:

"Scandalising the court means any hostile criticism of the Judge as Judge; any personal attack upon him, unconnected with the office he holds, is dealt with under the ordinary rules of slander and libel"

Similarly, Griffith, C.J. has said in the Australian case of Nicholls that:

"In one sense, no doubt, every defamatory publication concerning a Judge may be said to bring him into contempt as that term is used in the law of libel, but it does not follow that everything said of a Judge calculated to bring him into contempt in that sense amounts to contempt of court".

Thus in In the matter of a Special Reference from the Bahama Islands, the Privy Council advised that a contempt had not been committed through a publication in the Nassau Guardian concerning the resident Chief Justice, who had himself previously criticised local sanitary conditions. Though couched in highly sarcastic terms the publication did not refer to the Chief Justice in his official, as opposed to personal, capacity. Thus while it might have been a libel it was not a contempt.

31. *The fourth functional canon which channels discretionary exercise of the contempt power is that the fourth estate which is an indispensable intermediary between the State and the people and necessary instrumentality in strengthening the forces of democracy, should be given free play within responsible limits even when the focus of its critical attention is the court, including the highest Court.*

32. *The fifth normative guideline for the Judges to observe in this jurisdiction is not to be hypersensitive even where distortions and criticisms overstep the limits, but to deflate vulgar denunciation by dignified bearing, con-*

> *descending indifference and repudiation by judicial rectitude.*
> ***33.*** *The sixth consideration is that, after evaluating the totality of factors, if the Court considers the attack on the Judge or Judges scurrilous, offensive, intimidatory or malicious beyond condonable limits, the strong arm of the law must, in the name of public interest and public justice, strike a blow on him who challenges the supremacy of the rule of law by fouling its source and stream.*
> ***34.*** *Speaking generally. there are occasions when the right to comment may be of supreme value (for instance, the Thalidomide Babies cases in England) and the law of contempt must adjust competing values and be modified, in its application by the requirements of a free society and the shifting emphasis on paramount public interest in a given situation."*

43. In ***Haridas Das v. Usha Rani Banik (Smt) & Ors.***, (2007) 14 SCC 1, the Supreme Court emphasized that the vehemence of the language used alone is not the measure of the power to punish for contempt of Court; at the same time, the stream of administration of justice has to remain unpolluted and, therefore, polluters of the judicial firmament are required to be strictly dealt with. While Judges and Courts alike are open to criticism, where it is found that the intention of such criticism is to interfere with the proper administration of justice or to lower its dignity, it must be severely dealt with. We quote from the judgment as under:–

> *"**12.** There is guarantee of the Constitution of India that there will be freedom of speech and writing, but reasonable restrictions can be imposed. It will be of relevance to compare the various suggestions as prevalent in America*

and India. It is worthwhile to note that all utterances against a Judge or concerning a pending case do not in America amount to contempt of Court. In Article 19 the expression "reasonable restrictions" is used which is almost on a par with the American phraseology "inherent tendency" or "reasonable tendency". The Supreme Court of America in Bridges v. California said:

> *"What finally emerges from the 'clear and present danger' cases is a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished."*

13. *The vehemence of the language used is not alone the measure of the power to punish for contempt of court. The fires which it kindles must constitute an imminent, not merely a likely, threat to the administration of justice. The stream of administration of justice has to remain unpolluted so that purity of court's atmosphere may give vitality to all the organs of the State. Polluters of judicial firmament are, therefore required to be well taken care of to maintain the sublimity of court's environment; so also to enable it to administer justice fairly and to the satisfaction of all concerned. To similar effect were the observations of Lord Morris in Attorney General v. Times Newspapers. It was observed that when*

> *"unjustifiable interference is suppressed it is not because those charged with the responsibilities of administering justice are concerned for their own dignity : it is because the very structure of ordered life is at risk if the recognised courts of the land are so flouted that their authority wanes and is supplanted."*

14. *To similar effect were the observations of Hidayatullah, C.J. (as the learned Judge was then) in Rustom Cowasjee Cooper v. Union of India, [(1970) 2 SCC 298].*

> *"6. There is no doubt that the court like any other institution does not enjoy immunity from fair criticism. This Court does not claim to be always right although it does not spare any effort to be right according to the best of the ability, knowledge and judgment of the Judges. They do not think themselves in possession of all truth or hold that wherever others differ from them, it is so far error. No one is more conscious of his limitations and fallibility than a Judge but because of his training and the assistance he gets from learned counsel he is apt to avoid mistakes more than others. ... while fair and temperate criticism of this Court ... even if strong, may not be actionable, attributing improper motives, or tending to bring judges or courts into hatred and contempt or obstructing directly or indirectly with the functioning of courts is serious contempt of which notice must and will be taken. Respect is expected not only from those to whom the judgment of the court is acceptable but also from those to whom it is repugnant. Those who err in their criticism by indulging in vilification of the institution of courts, administration of justice and the instruments through which the administration acts, should take heed for they will act at their own peril."*

15. *There is an abundance of empirical decisions upon particular instances of conduct which have been held to constitute contempt of*

court. We shall now refer to a few. Lord Russell of Killowen, L.C. has laid down in R. v. Gray, as follows: (All ER p. 62 C)

> *"Any act done or writing published, calculated to bring the court or a judge of the court into contempt or to lessen his authority, is a contempt of court."*

16. *It cannot be denied that judgments are open to criticism and in the said case it was observed:*

> *"Judges and courts are alike open to criticism if reasonable argument or expostulation is offered against any judicial act as contrary to law or the public good. No court could or would treat that as [contempt of court]."*
>
> *Indeed, Section 5 of the Act now provides that a person shall not be guilty of contempt of court for publishing any fair comment on the merits of any case which has been heard and finally decided. But, if such a defence is taken, it is always open to test whether the publication alleged to be offending was by way of fair comment on the merits of the case or was personal scurrilous abuse of a Judge as a Judge, for abuse of a Judge or a court or attacks on the personal character of a Judge are clearly punishable contempt. As stated in Para 27 at p. 21 of Vol. 9 of Halsbury's Laws of England, 4th Edn.:*
>
> *"The punishment is inflicted, not for the purpose of protecting either the court as a whole or the individual judges of the court from a repetition of the attack, but of protecting the public, and especially those who either voluntarily or by*

compulsion are subject to the jurisdiction of the court, from the mischief they will incur if the authority of the tribunal is undermined or impaired."

17. *The view was echoed by this Court in D.C. Saxena (Dr.) v. Chief Justice of India. In the same volume of Halsbury's Laws of England at Para 27 it is stated thus:*

"27. Scandalising the court.—Any act done or writing published which is calculated to bring a court or a judge into contempt or to lower his authority, or to interfere with the due course of justice or the lawful process of the court, is a contempt of court."

18. *The above proposition has been approved and followed by Lord Atkin in Andre Paul Terence Ambard v. Attorney General of Trinidad and Tobago [AIR 1936 PC 141]. It was observed as follows:*

"[N]o wrong is committed by any member of the public who exercises the ordinary right of criticising in good faith in private or public the public act done in the seat of justice. The path of criticism is a public way : the wrong-headed are permitted to err therein : provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice, and are genuinely exercising a right of criticism and not acting in malice or attempting to impair the administration of justice, they are immune. Justice is not a cloistered virtue : she must be allowed to suffer the scrutiny and respectful even though outspoken comments of ordinary men."

19. *Lord Justice Donovan in Attorney General v. Butterworth after making reference to R. v. Odham's Press Ltd. ex p A-G said:*

> *"whether or not there was an intention to interfere with the administration of justice is relevant to penalty not to quit".*

This makes it clear that an intention to interfere with the proper administration of justice is an essential ingredient of the offence of contempt of court and it is enough if the action complained of is inherently likely to so interfere. In Morris v. Crown Office, Lord Denning, M.R. said that:

The course of justice must not be deflected or interfered with. Those who do it strike at the very foundations of our society.

In the same case, Lord Justice Salmon spoke :

"The sole purpose of proceedings for contempt is to give our courts the power effectively to protect the rights of the public by ensuring that the administration of justice shall not be obstructed or prevented."

***20.** Frankfurter, J. in Offutt v. U.S. expressed his view as follows: (L Ed p. 16)*

"It is a mode of vindicating the majesty of law, in its active manifestation, against obstruction and outrage."

***21.** In Jennison v. Baker [(1972) 2 QB 52] , it was stated:*

"The law should not be seen to sit by limply, while those who defy it go free, and those who seek its protection lose hope."

***22.** Chinnappa Reddy, J. speaking for the Bench in Advocate General, State of Bihar v. M.P. Khair Industries citing those two decisions in Offutt and Jennison stated thus:*

"[I]t may be necessary to punish as a contempt, a course of conduct which abuses and makes a mockery of the judicial process and which thus extends its pernicious influence beyond the parties to the action and effects the

interest of the public in the administration of justice. The public have an interest, an abiding and a real interest, and a vital stake in the effective and orderly administration of justice, because, unless justice is so administered, there is the peril of all rights and liberties perishing. The court has the duty of protecting the interest of the public in the due administration of justice and, so, it is entrusted with the power to commit for contempt of court, not in order to protect the dignity of the court against insult or injury as the expression 'Contempt of Court' may seem to suggest, but, to protect and to vindicate the right of the public that the administration of justice shall not be prevented, prejudiced, obstructed or interfered with."

23. *Krishna Iyer, J. in his separate judgment in S. Mulgaokar, In re [(1978) 3 SCC 339: 1978 SCC (Cri) 402] while giving broad guidelines in taking punitive action in the matter of contempt of court has stated:*

"...if the Court considers the attack on the Judge or Judges scurrilous, offensive, intimidatory or malicious beyond condonable limits, the strong arm of the law must, in the name of public interest and public justice, strike a blow on him who challenges the supremacy of the rule of law by fouling its source and stream."

24. *In Brahma Prakash Sharma v. State of U.P., [(1953) 1 SCC 813] this Court after referring to various decisions of the foreign countries as well as of the Privy Council stated thus:*

"It will be an injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the Judge or to deter actual and prospective litigants from placing complete

reliance upon the Court's administration of justice, or if it is likely to cause embarrassment in the mind of the Judge himself in the discharge of his judicial duties. It is well established that it is not necessary to prove affirmatively that there has been an actual interference with the administration of justice by reason of such defamatory statement; it is enough if it is likely or tends in any way, to interfere with the proper administration of law,…"

25. *It may be noted here that in the illustrious case S. Mulgaokar case it was held that:*

"16. The judiciary cannot be immune from criticism. But, when that criticism is based on obvious distortion or gross misstatement and made in a manner which seems designed to lower respect for the judiciary and destroy public confidence in it, it cannot be ignored."

26. *Though certain imputations against the Judge may be only libellous against that particular individual, it may at times amount to contempt also depending upon the gravity of the allegations. In Brahma Prakash Sharma case this Court held that:*

"[A] defamatory attack on a Judge may be a libel so far as the Judge is concerned and it would be open to him to proceed against the libeller in a proper action if he so chooses. If, however, the publication of the disparaging statement is calculated to interfere with the due course of justice or proper administration of law by such court, it can be punished summarily as contempt."

The same view has been taken in Perspective Publications (P) Ltd. v. State of Maharashtra and C.K. Daphtary v. O.P. Gupta . Therefore, apart from the fact that a particular statement is libellous, it can constitute criminal contempt

if the imputation is such that the same is capable of lowering the authority of the court. The gravity of the aforesaid statement is that the same would scandalise the court.

27. *"The right to criticise an opinion of a court, to take issue with it upon its conclusions as to a legal proposition, or question its conception of the facts, so long as such criticisms are made in good faith, and are in ordinarily decent and respectful language and are not designed to wilfully or maliciously misrepresent the position of the court, or tend to bring it into disrepute or lessen the respect due to the authority to which a court ... is entitled, cannot be questioned. ... The right of free speech is one of the greatest guarantees to liberty in a free country like [ours], even though that right is frequently and in many instances outrageously abused. ...*

*If any considerable portion of a community is led to believe that, either because of gross ignorance of the law, or because of a worse reason, it cannot rely upon the courts to administer justice to a person charged with crime, that portion of the community, upon some occasion, is very likely to come to the conclusion that it is better not to take any chances on the courts failing to do their duty." [**Ed.** : As observed in Peter Breen, Re, 17 Lawyers Reports Annotated, New Series, p. 572 as quoted in C.K. Daphtary v. O.P. Gupta.*

28. *Judiciary is the bedrock and handmaid of democracy. If people lose faith in justice parted by a court of law, the entire democratic set-up would crumble down. In this background, observations of Lord Denning, M.R. in Metropolitan Properties Ltd. v. Lannon are relevant :*

> *"Justice must be rooted in confidence; and confidence is destroyed when right-minded people go away thinking: 'The Judge was biased.' "*

44. Recently, in ***Wikimedia Foundation Inc. v. ANI Media Private Limited and Others***, (2025) 10 SCC 353, the Supreme Court, while highlighting and emphasising the importance of open Courts and the duty of the Court to uphold the Fundamental Right under Article 19(1)(a) of the Constitution of India though the words spoken or written may not be liked by them, held that if a member of the public or a litigant or for that matter even the media tries to scandalize the court by making sweeping unfounded allegations against the court or the Judge(s) or by imputing motives against the Judge or Judges who had passed a judicial order or had conducted the court proceedings, certainly the courts would be justified in initiating criminal contempt proceedings against such contemnors. It was further held that, for improvement of any system, including the judiciary, introspection is the key, which can happen only if there is a robust debate even on issues which are before the Court, and such debates and constructive criticism should be welcomed, however, those who offer criticism should remember that Judges cannot respond to such criticism and if a publication scandalizes the court or a Judge or Judges, the Courts should take action.

45. In ***Andre Paul Terence Ambard*** (supra), Lord Atkin had also emphasized that no wrong is committed by any member of the public who exercises the ordinary right of criticizing in good faith, in private

or public, the public act done in the seat of justice. It was also emphasized that the path of criticism is a public way and the wrong-headed are permitted to err therein, provided that members of the public abstain from imputing improper motives to those taking part in the administration of justice and are genuinely exercising the right of criticism and not acting in malice, or attempting to impair the administration of justice.

46. In ***T.C. Gupta*** (supra), the Supreme Court emphasized that the power to punish for contempt must be exercised with great care and caution and only where "*silence is no longer an option*".

47. In ***Nirbhay Singh Suliya*** (supra), the Supreme Court emphasized that while great caution and circumspection must be shown in exercise of a contempt jurisdiction, a balance must be drawn between a fair criticism which would be in genuine public interest and a motivated criticism and attack which is unfounded and, therefore, against public interest. Public interest also lies in protecting the district judiciary from motivated criticism and attack.

48. Applying the above principles to the facts of the present cases, the campaign of the respondent no. 2 to have audio-video recording of the Court proceedings and to generate a debate regarding the same, cannot be said to amount to contempt. In this regard, even if he highlights the cases where, according to him, the audio-video recording of the judicial proceedings would have had a vital bearing, it would not amount to a contempt, but would be intended to generate a healthy debate on what is required to further strengthen the judicial

system keeping in view the 'open Court' concept as highlighted in ***Wikimedia Foundation Inc.*** *(supra).*

49. The general comments of the respondent no. 2 on the ills of the judicial system as a whole, would also not have persuaded us to proceed against him in exercise of our contempt jurisdiction and we would have let it pass, may be as a fair criticism or as a venting of anger by a person who feels that he did not get the justice he deserved or felt that the same was delayed. We must remember that one or the other party may leave disgruntled with the order passed by the Court and may some time vent out his/her frustration by making uncharitable remarks; these are to be taken in our stride and not in an oversensitive manner. However, in the present case, the respondent no. 2 has not confined himself to this debate nor is his venting out frustration aimed to be a fair criticism. He has personally attacked three Judicial Officers and even imputed that in case a litigant's case is listed before them, such litigant should not expect justice. What is the foundation of such over-sweeping remarks against the Judicial Officers? Even upon our repeated queries, the respondent no. 2 justifies these sweeping statements only on basis of the interviews given by the respondent no. 1 in these contempt references. To a query if the respondent no. 2 had even got the facts of these cases talked about in the interviews verified from the judicial record, the answer is in the negative from the respondent no. 2. While the interviews given by respondent No. 1 were on the premise that if the proceedings of those cases were being recorded, the outcome may have been

different, the respondent no. 2 twisted the same to a narration that these Judicial Officers themselves were not dispensing justice and any litigant before them should not expect so. The intent of respondent no. 2 is, therefore, writ large of only scandalising and lowering the image of these Judicial Officers in the general public, thereby lowering the authority of the Court. It is not to generate a healthy debate but to scandalize the Court. It is not *bona fide* but is *mala fide* to bring to disrepute the judicial system and to lower the authority of the courts.

50. If one has to attack a Judicial Officer on his integrity or competence, it must be done with cogent evidence; it cannot be made lightly. We must remember that such an attack, if made without any basis, undermines the authority of the Judicial Officer and interferes with dispensation of justice by him/her without fear or favour. Any such criticism must therefore be well founded, specially because the Judicial Officer, unlike the complainant, has no means to justify his actions in public. When a Judicial Officer dispenses justice, he/she is bound to make mistakes; no judicial officer is or can be expected to be 100% correct all the time; it is for this reason that we have a hierarchy of courts, where a litigant can approach the higher court if he/she is dissatisfied by the verdict. In such remedy, may be the order is set aside, however, this also does not mean that the judicial officer passing the original order did not act with integrity or was incompetent. In the present case, even this stage had not reached. The respondent no. 2 pronounced his verdict against the concerned Judicial Officers without any basis and thereby undermined their authority.

This is a classic case of criminal contempt being committed by him.

51. In Cont. Cas (Crl.) 4/2025, the banner and the introduction to the YouTube video uploaded by the respondent No. 2 on 07.03.2025, though aimed at the Supreme Court, is in effect to lower the dignity of the judicial system as a whole. It is not just the use of the derogatory term against the Supreme Court, but against the entire judicial system. It is intended to mock the system, bringing it to disrepute and to lower its dignity and authority. It is not the criticism of the orders/judgments passed by the Supreme Court, but of the judicial system as a whole. To our view, it is a criminal contempt of the Court, which is unpardonable and for which strict action is required to be taken against the respondent no. 2.

52. The plea of the respondent no. 2 that the respondent no.2 was acting *bona fide* or had no intention to lower the dignity of the Court, cannot be accepted. The acts attributed to the respondent no.2 speak for themselves and it is a case of *res ipsa loquitur*. There can be no justification for the same. It is certainly not protected under Article 19(1)(a) of the Constitution of India.

53. The submission of the respondent no. 2 that the Charges framed against him do not specify the allegation on which he has been proceeded against, does not hold any water. The Charges are clear and specific and from the reply of the respondent no. 2, it is quite evident that he understands the same fully.

54. We, therefore, find the respondent no. 2 guilty of having committed criminal contempt of Court as defined in Section 2(c) of

the Contempt of Courts Act, 1971.

55. To give him an opportunity to make submissions on the punishment to be awarded to him under Section 12 of the Act, we give him notice for the same under Rule 13(1) of the Contempt of Courts (Delhi High Court) Rules, 2025. He may file his submissions on punishment within a period of two weeks.

56. As we have accepted the apology tendered by the respondent nos.1 in the two references, that is, Mr.Shiv Narayan Sharma and Mr.Deepak Singh, they are discharged from their respective contempt cases.

57. List on 12th May, 2026, when the respondent no. 2 shall remain personally present.

58. A copy of this judgment, translated into Hindi, be supplied by the Registry to the respondent no.2.

59. A copy of this judgment be given *dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J.

RAVINDER DUDEJA, J.

APRIL 21, 2026/*rv/sg/as*