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

Date of decision: 23.07.2026

+ **CONT.CAS.(CRL) 3/2026**

COURT ON ITS OWN MOTION

.....Petitioner

Through: Ms.Nidhi Raman, Adv. (*Amicus Curiae*) with Mr.Akash Mishra and Mr.Arn timer Mittal, Advts.

versus

KALAWATI DEVI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

NAVIN CHAWLA, J. (ORAL)

1. The present contempt petition has been registered on a reference dated 17.02.2025 received from the Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi, informing that the Complaint Case No. 49930/2016, titled "***Kalawati v. Suresh Chand***", filed by the respondent herein is pending before the learned Metropolitan Magistrate-03, wherein allegations had been made by the complainant/respondent herein against an order passed by a Judge of this Court. Considering the nature of the allegations made by the respondent herein, the learned Metropolitan Magistrate-03, East District, Karkardooma Courts, Delhi, by an order dated 06.06.2019, directed that the matter be brought to the notice of this Court so that appropriate action could be taken against the respondent.



2. Unfortunately, due to non-compliance by the *Ahlmad* of the Court, as is reflected from the order sheet of the said Court, the reference was not made to this Court. It eventually came to be made only by the letter dated 17.02.2025. The matter was then placed by Hon'ble the Chief Justice before the then Chairman of the Building Maintenance and Construction Committee, Karkardooma Court Complex (in short, 'Committee'), who submitted his opinion on the registration of criminal contempt against the respondent.

3. At this stage, the Registry of this Court made a mistake and, instead of registering a Criminal Contempt Petition, registered the matter as W.P. (Crl.) 833/2011. The same was placed before a learned Single Judge, who, by the order dated 13.02.2026, directed the Registry to re-number the same as a *suo motu* criminal contempt case and place it before the Roster Bench.

4. In compliance with the said order, the matter was placed before us and, *vide* the order dated 26.02.2026, we had issued notice to the respondent. We had also requested Ms. Nidhi Raman, learned counsel, to act as *Amicus Curiae* to assist us in the matter.

5. Though the respondent remains unserved, the learned *Amicus Curiae* has drawn our attention to Section 20 of the Contempt of Courts Act, 1971 (in short, 'the Act'); Rule 5 of the Contempt of Courts (Delhi High Court) Rules, 2025 (in short, 'the Rules'); as also the judgments of the Supreme Court in ***Pallav Sheth v. Custodian and Ors.***, (2001) 7 SCC 549, and ***Maheshwar Peri & Ors. v. High Court of Judicature at Allahabad through Registrar General***, (2016) 14 SCC 251, to submit that the alleged contempt is contained in a



complaint that was filed by the respondent in the year 2016; the reference order was passed by the learned Metropolitan Magistrate on 06.06.2019, but the cognizance of the same was taken by this Court only *vide* order dated 26.02.2026. She submits that, therefore, the contempt proceedings would be barred by limitation. We find merit in the said submission.

6. Section 20 of the Act reads as under:

“20. Limitation for actions for contempt.—
No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

7. Section 20 of the Act clearly provides that no Court shall initiate any proceedings for contempt either on its own motion ‘or otherwise’, after the expiry of a period of one year from the date on which such contempt is alleged to have been committed.

8. Rule 5(2) of the Rules also contains a similar prohibition, and is reproduced hereinunder:

“(2) Mode of taking cognizance of Criminal Contempt other than contempt in the face of the High Court:

The High Court may take cognizance of criminal contempt –

- (a) on the motion or recommendation of the Law Officer; or*
- (b) on the motion of any other person with the prior consent in writing of the Law Officer; or*
- (c) on a reference specifying the contempt under Section 15(2) of the Act by a district Court or on an application received by it; or*
- (d) on information laid before it by the Registrar General of the High Court or*



brought to its notice by any other person; or

(e) suo motu.

Provided that no proceedings for contempt either on its own motion or otherwise shall be initiated after the expiry of one year from the date on which the contempt is alleged to have been committed.”

9. While explaining as to when proceedings for contempt can be said to be initiated by the Court, the Supreme Court in ***Pallav Sheth*** (supra) held as under:

“38. The Rules so framed by all the Courts in India do show that proceedings are initiated inter alia with the filing of an application or a petition in that behalf. If, however, proceedings are not initiated by filing of an application within a period of one year from the date on which the contempt is alleged to have been committed then the Court shall not have jurisdiction to punish for contempt. If, on the other hand, proceedings are properly initiated by the filing of an application, in the case of civil contempt like the present before the Court within the period of limitation then the provisions of Section 20 will not stand in the way of the Court exercising its jurisdiction.

39. In the case of criminal contempt of subordinate court, the High Court may take action on a reference made to it by the subordinate court or on a motion made by the Advocate-General or the Law Officer of the Central Government in the case of Union Territory. This reference or motion can conceivably commence on an application being filed by a person whereupon the subordinate court or the Advocate-General if it is so satisfied may refer the matter to the High Court. Proceedings for civil contempt normally commence with a person aggrieved bringing to the notice of the Court the wilful



disobedience of any judgment, decree, order etc. which could amount to the commission of the offence. The attention of the Court is drawn to such a contempt being committed only by a person filing an application in that behalf. In other words, unless a Court was to take a suo motu action, the proceeding under the Contempt of Courts Act, 1971 would normally commence with the filing of an application drawing to the attention of the Court to the contempt having been committed. When the judicial procedure requires an application being filed either before the Court or consent being sought by a person from the Advocate-General or a Law Officer it must logically follow that proceeding for contempt are initiated when the applications are made.

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42. The decision in Om Prakash Jaiswal's case (supra), to the effect that initiation of proceedings under Section 20 can only be said to have occurred when the Court formed the prima facie opinion that contempt has been committed and issued notice to the contemner to show-cause why it should not be punished, is taking too narrow a view of Section 20 which does not seem to be warranted and is not only going to cause hardship but would perpetrate injustice. A provision like Section 20 has to be interpreted having regard to the realities of the situation. For instance, in a case where a contempt of a subordinate court is committed a report is prepared whether on an application to Court or otherwise, and reference made by the subordinate court to the High Court. It is only thereafter that a High Court can take further action under Section 15. In the process, more often than not, a period of one year elapses. If the interpretation of Section 20 put in Om Prakash Jaiswal's case (supra) is correct, it would mean that notwithstanding both the subordinate court and the High Court being prima facie satisfied that contempt has been



committed the High Court would become powerless to take any action. On the other hand, if the filing of an application before the subordinate court or the High Court making of a reference by a subordinate court on its own motion or the filing an application before an Advocate-General for permission to initiate contempt proceedings is regarded as initiation by the Court for the purposes of Section 20, then such an interpretation would not impinge on or stultify the power of the High Court to punish for contempt which power, de hors the Contempt of Courts Act, 1971 is enshrined in Article 215 of the Constitution. Such an interpretation of Section 20 would harmonise that section with the powers of the Courts to punish for contempt which is recognised by the Constitution.

43. A question arose before a Full Bench of the Punjab & Haryana High Court in the case of **Manjit Singh and Others vs. Darshan Singh and Others** with regard to the application of Section 20 to the proceedings of criminal contempt. After coming to the conclusion that on the language of Section 20 the date when time begins to run is fixed from the point on which the criminal contempt is alleged to have been committed the Court had to decide the terminating point or the terminus ad quem for the limitation under Section 20 of the Act. Four possibilities which fell for consideration in this regard were: (i) the date on which the actual notice of contempt is issued by the Court; (ii) the date on which the Advocate General moves the motion under Section 15(1)(a); (iii) the date on which a subordinate Court makes a reference of the criminal contempt under Section 15(2) of the Act and, (iv) the date on which any other person prefers an application to the Advocate-General for his consent under Section 15(1)(b) of the Act. On behalf of the State, the contention raised before the Full Bench was that the sole



terminus ad quem was the date of the actual issuance of the notice of criminal contempt by the Court and reliance in this behalf was *inter alia* placed on the above mentioned decision of this Court in *Baradakanta Mishra's* case. The Full Bench, in our opinion, rightly came to the conclusion that the sole question which arose for consideration in *Baradakanta Mishra's* case related to the interpretation of Section 19 of the Act and no question of interpreting or applying Section 20 was at all in issue. Following the dictum of Lord Halsbury in *Quinn vs. Leathem* that a case is only an authority for what it actually decides and cannot be quoted for a proposition that may even seem to follow logically therefrom, the Full Bench correctly observed that *Baradakanta Mishra's* case was no warrant for the proposition that the issuance of a notice of criminal contempt by the High Court is the sole *terminus ad quem* for determining limitation under Section 20 of the Act. The Court then proceeded to observe in paras 13 and 19 as follows:

"13. Once that is so, one must now proceed to analyse and construe S.20 independently. A plain reading thereof would indicate that the legislature drew a clear line of distinction betwixt proceedings for contempt initiated by the Court on its own motion, and those not so done. *Suo motu* action by the High Court is thus clearly a class by itself. Consequently the statute in express terms refers to these two classes separately, namely, any proceedings for contempt on Court's own motion, and proceedings for contempt initiated "otherwise". The use of the word 'otherwise' is significant and indeed provides the clue to be the true interpretation of Sec. 20. Therefore, initiation of contempt proceedings otherwise than on Court's own motion



would include within its sweep a motion by the Advocate General, a reference by a subordinate Court to the High Court to take action for contempt and an application before the Advocate General seeking his consent by any other person under S. 15 and lastly in cases of civil contempt the motion by a private litigant directly in the Court.

"19. To finally conclude it must be held that the terminus a quo for limitation begins under Section 20 of the Act on the date on which the contempt is alleged to have been committed. The terminus ad quem in case of criminal contempt would necessarily vary and be related to the modes of taking cognizance thereof provided for in S. 15. In cases where it is initiated on the Court's own motion it would necessarily be from the issuance of the notice for contempt by the Court. In case of a motion by the Advocate General under S. 15(1)(a), the proceedings would initiate from the date of the filing of such a motion in the High Court. Where any other person moves the Advocate General for his consent in writing as prescribed in S. 15(1) (b), the initiation of proceedings would be with effect from the date of such application. Lastly, in cases of criminal contempt of a subordinate Court on a reference made by it the proceedings must be deemed to be initiated from the date when such reference is made."

44. Action for contempt is divisible into two categories, namely, that initiated suo motu by the Court and that instituted otherwise than on the Court's own motion. The mode of initiation in each case would necessarily be different. While in the case of suo motu proceedings, it is the Court itself which must initiate by issuing a notice. In other cases initiation can only be by



a party filing an application. In our opinion, therefore, the proper construction to be placed on Section 20 must be that action must be initiated, either by filing of an application or by the Court issuing notice suo motu, within a period of one year from the date on which the contempt is alleged to have been committed.”

(Emphasis supplied)

10. In the present case, even if we take the order dated 06.06.2019, passed by the learned Metropolitan Magistrate, to be the initiation of the contempt proceedings, the proceedings would still be barred by limitation as the complaint in which the alleged contemptuous remarks had been made, had been filed in the year 2016. In fact, as noted hereinabove, the reference eventually came to be made only on 17.02.2025. Thereafter, Hon’ble the Chief Justice, upon a report from the Chairman of the Committee, directed the registration of criminal contempt against the respondent.

11. Given the above, the present proceedings are closed as being barred by limitation.

12. No observation made herein shall, however, affect the adjudication of the criminal case that is pending before the concerned Court.

13. We express our gratitude to the learned *Amicus Curiae* for assisting us.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

JULY 23, 2026/rv/Yg