

ITEM NO.29

COURT NO.15

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Suo Motu Contempt Petition (CRL.) No(s). 2/2019

RE : VIJAY KURLE & ORS.

Alleged Contemnors

WITH

IA NO.150449/2019I.A. NOS.179797 & 180887/2019

Date : 09-12-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

By Courts Motion, AOR

Mr. Sidharth Luthra, Sr. Adv. (Amicus Curiae)
Mr. Nitin Saluja, Adv.

For R-1

Mr. Partho Sarkar, Adv.
Mr. Abhilash Panicker, Adv.
Ms. Dipali Ojha, Adv.
Nicky Pokar, Adv.
Mr. Tanveer Nizam, Adv.
Shivama Mehra, Adv.
Mr. Mangesh Dongre, Adv.
Mr. Abhishek Mishra, Adv.

For R-2

Mr. Ghanshyam Upadhyay, Adv.
Mr. Subhash Jha, Adv.
Mr. Harsh Singal, Adv.
Mr. Ishwar Lal Agarwal, Adv.
Mr. Jairam Yadav, Adv.
Mr. Vijay Kumar, Adv.
Mr. Sanjay Jha, Adv.
Mr. Aman Shukla, Adv.
Ms. Daksha, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Arushi Goel, Adv.
Mr. Abhishek Sarkar, Adv.
Sarriyas Das, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Repeated discharge applications have been filed by the alleged contemnors raising many grounds. At this stage we are not deciding the said applications, but we may make it clear that the order of this court dated 27.3.2019 not only makes reference to the communication sent by the President of the Bombay Bar Association and the President of the Bombay Incorporated Law Society, but specific reference has also been made to two communications- Annexure 1 and Annexure 2; the first being a letter sent by the Indian Bar Association, and the second sent by the Human Rights Security Council. Prayers made in both the communications have been quoted in the said order. It is not only the prayers made in the letters, but also the contents thereof, which have to be taken into consideration. We may also point out that all documents demanded by the alleged contemnors have been supplied to them.

We clarify our order dated 2.9.2019, that though contempt may have been initiated on the complaint of the President of the Bombay Bar Association and the President of the Bombay Incorporated Law Society, it relates to scandalous allegations made against 2 Judges of this Court as reflected in order dated 27.3.2019.

We want to make it clear that in view of the original order and the documents placed on record, the charge against Mr. Vijay Kurle-alleged Contemnor No.1 is only in respect of

the scandalous allegations as against two Judges of this Court in letter dated 20.3.2019 sent by him as State President, Maharashtra & Goa (Indian Bar Association).

As far as alleged Contemnor No.2-Sh. Rashid Khan Pathan is concerned, only letter dated 19.3.2019 is relevant and he has sent this letter in his capacity as National Secretary of the Human Rights Security Council (N.G.O.). We again make it clear that as far as Sh. Rashid Khan Pathan is concerned, the scandalous allegations as against two Judges of this Court in the letter sent by him will be taken into consideration against him.

We also make it clear that the only document which this Court has relied upon against Mr. Nilesh Ojha (alleged Contemnor No.3) is the letter dated 20.03.2019. We are not going into the allegations raised by the alleged contemnors or against them with regard to the cases or issues pending before the Bombay High Court or related to it. This case will be limited to the alleged contempt of this Court.

As far as Mr. Nilesh Ojha is concerned, this Court grants him an opportunity to file an affidavit, if he so chooses before the next date of hearing, with regard to the letter sent by Mr. Vijay Kurle-alleged Contemnor No.1 as State President, Maharashtra & Goa (Indian Bar Association). However, being President of the Association, he will clearly

have to explain his position, whether the letter dated 20.03.2019 was sent with his consent or under his consent.

As far as the aforementioned two letters are concerned, alleged Contemnor Nos. 1 & 2 have not denied that they are the authors of the said letters. No other evidence is required to be led. Therefore, only after going through contents of the letters sent by the alleged contemnors, this Court, after hearing the parties will decide whether contempt has been committed or not.

List on 17.12.2019.

All the alleged contemnors should be present on the next date of hearing. We make it clear that we shall hear the main matter finally on that date, along with the applications for discharge.

(GEETA AHUJA)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER