Case Number before Hon'ble President of India	**PRSEC/E/2022/30960**
Case Number before Central Vigilance Commission	**207723/2022/vigilance-7**
Case Number before Prime Minister of India	**PMOPG/E/2022/0267119**

BEFORE THE HON'BLE PRESIDENT OF INDIA

Shri R.K.Pathan]
President]
Supreme Court & High Court]
Litigants Association of India **(SCHCLA).**] **…. Complainant**

Vs.

1. Shri. Justice Dr. D.Y. Chandrachud]
Supreme Court of India,]
Tilak Marg, Mandi House,]
New Delhi, Delhi 110001]

2. Adv. Abhinav Chandrachud]
407, Gundecha Chambers,]
Nagindas Master Road,]
Fort, Mumbai - 400 001]
3. And Others] **…...Accused**

Sub:- i) Direction to appropriate authority and CBI to complete the formality of consultation with Hon'ble Chief Justice of India (CJI) as per the law laid down in the case of **K. Veeraswami Vs. Union of India (1991) 3 SCC 655,** and register an F.I.R. against accused Judge Dr. D.Y. Chandrachud and others :-

(a) under **Section 52, 109, 385, 409, 218, 219, 166, 385, 192, 193, 511, 120 (B), 34, Etc.** of Indian Penal Code for corruption and misusing the machinery of Supreme Court and public property and passing an extremely bogus order in

to help his son's client even if he was disqualified to hear the case but he took the matter to himself and passed an unlawful order in a non existent issue with ulterior motive to facilitate the extortion in a multi crore scam;

(b) under **Section 52, 115, 302, 109, 304-A, 304, 409, 218, 219, 166, 201, 341, 342, 323, 336, 192, 193, 120 (B), 34, Etc.** of Indian Penal Code for their various acts of corruption, misuse of power as a Supreme Court Judge for giving wrongful profits of thousands of crores to vaccine companies causing wrongful loss of public money and abating, promoting, facilitating the offences of murders and other injuries causing lifetime disability to Lacs of people with full knowledge of his unlawful acts.

ii) Directions to appropriate authority to file a contempt petition in the Supreme Court as per law and ratio laid down in **Re: C.S. Karnan (20170 1 SCC 1,** against Justice Dr. D.Y. Chandrachud and others for their willful disregard and defiance of the binding precedents of Hon'ble Supreme Court.

iii) Directions to Directorate of Enforcement(E.D.), Income Tax Department, **Central Vigilance Commission**, **Intelligence Bureau,** and all other agencies to investigate the links and commercial transactions of the accused with anti-national elements like Bill Gates, George Soros, and others who by their systematic and well-orchestrated conspiracy are involved in damaging the progress and wealth of the country with a further plan to commit mass murders (Genocide) and make people sicker and ultimately to make them slaves;

iv) OR IN ALTERNATIVE: -

To grant sanction and permission to the complainant to prosecute accused Judges Shri D.Y. Chandrachud and others for the offences

disclosed in the present complaint or may be disclosed on the basis of further evidences disclosed;

v) Direction to appropriate authorities to make a request to the Hon'ble Chief Justice of India to exercise the powers as per **'In-House-Procedure'** as laid down in the case of **Additional District and Sessions Judge 'X' Vs. Registrar General (2015) 4 SCC 91,** and to forthwith withdraw the judicial works assigned to accused Judges and forward a reference of impeachment to dismiss the accused Judges;

vi) Direction to authorities of the department of law & justice the of Union of India to complete the formalities of sanction within three months as per the time limit given in the case of **Vineet Narain Vs. Union of India (1998) 1 SCC 226** and **Subramanian Swamy Vs. Arun Shourie (2014) 12 SCC 344**;

vii) Appropriate consultation and request to Hon'ble Chief Justice of India to ask accused Judges to resign from their post as per 'In-House-Procedure' and as per the directions given and law laid by the Constitution Bench in the case of **K. Veeraswami Vs. Union of India (1991) 3 SCC 655**;

viii) Appropriate representation and request to Hon'ble Chief Justice of India to not to recommend the name of Justice D.Y. Chandrachud for the post of Chief Justice of India.

Respected Sir,

1. The present complaint is sub-divided into flowing parts for the sake of convenience:

	his son Adv. Abhinav Chandrachud is representing the extornist group		
2.	Passing order in a case related to his son is Contempt of the **'Judges Ethics Code'** and binding precedents in **Gullapalli Nageswara Rao v. A.P. State Road Transport Corpn. 1959 Supp (1) SCR 319, Supreme Court Advocates-on-Record -Association and another Vs. Union of India (2016) 5 SCC 808,State of Punjab Vs. Davinder Pal Singh Bhullar (2011) 14 SCC 770 Etc.**	**5**	**8**
3.	Offence under **sections 115, 302, 219, 218, 166, 52, 323, 336, 120(B), 34, etc., of IPC**. Misuse of power and acting contrary to law with ulterior motive to give the wrongful benefit of thousands of Crores to vaccine & pharma mafia and put the life of a citizen in danger by allowing and facilitating the offences of mass murders (Genocide) and putting people's life's in danger by passing unlawful orders and remarks during arguments.	**6**	**50**
4.	The Accused judges including Justice Dr. D.Y. Chandrachud are bound to resign as per the law laid down in the case of **K. Veeraswami Vs. Union of India (1991) 3 SCC 655.**	**7**	**92**
5.	No Unlimited discretion to Judges of High Court & Supreme Court.	**9**	**115**
6.	Law regarding Contempt action against Supreme Court or High Court Judges not	**10**	**122**

2. Declaration about the reason behind filling this complaint: - The complainant is filing this complaint as per his duty under **Article 51(A) (h)** of the Constitution of India as has been explained by the Hon'ble Supreme Court in the case of **Indirect Tax Practitioner Association Vs. R.K. Jain (2010) 8 SCC 281,** and Hon'ble High Court in **Aniruddha Bahal Vs. State 2010 SCC OnLine Del 3365**, **Rama Surat Singh Vs. Shiv Kumar Pandey 1969 SCC OnLine All 226** Etc.

3. Disclaimer about conflict of interest of the interested party, Government officials, and Supreme Court Judges likely to be benefited due to action against Justice D.Y. Chandrachud: -

In filling this complaint, I have no connection with any of the members or officers of the Central Government or Judges of the Hon'ble Supreme Court or anyone who is likely to be benefitted if Justice Chandrachud is prosecuted and does not become CJI.

Similarly, I have no concern or any connection with Judges of the Hon'ble Supreme Court who is or are likely to be CJI if Justice Dr. D.Y. Chandrachud is prosecuted and removed from the post of a Judge.

4. # Offence No 1 #:- Corruption and misuse of power by Justice Dr. D.Y. Chandrachud in passing extremely fraudulent order with ex-facie false & fabricated version with the ulterior motive to help extortionist in a multi Crore scam where his son Adv. Abhinav Chandrachud is representing the extortionist group:-

Justice D.Y. Chandrachud ex-facie guilty of offence under section 166, 219, 409, 52, 120 (B), 34, 385 etc. of Indian Penal Code, the case is covered by the Supreme Court binding judgment in the case of **Pushpa Devi M. Jatia v. M.L. Wadhawan, (1987) 3 SCC 367, Govind Mehta Vs. The State of Bihar AIR 1971 SC 1708.**

Justice D.Y. Chandrachud is also guilty of offenses under section 2(b)(c), 12 of the Contempt of Courts Act, 1971 as per the law laid down in **C.S.Karnan (2017) 7 SCC 1, In Re: Perry Kansagra 2022 SCC OnLine SC 858.**

4.1. That, Pune police has registered various F.I.R's in a bank fraud case of around 300 Crores.

4.2. Few persons who were falsely implicated has filed various writ petitions in the High Court for quashing the **FIR. No. 806 of 2019** registered at Pimpari, Pune. In the said case the main parties are Mr. Amar Mulchandani, Amarjit Singh Basi, Etc.

4.3. In the said case one, accused by the name Sagar Suryawanshi, his wife Mrs. Sheetal Tejwani, Smt. Anita has hatched one conspiracy to extort money from the people concerned with the case. In the said case **Adv. Abhinav Chandrachud** is representing as a counsel for the mastermind accused Sagar Suryavanshi & Sheetal Tejwani. Adv. Abhinav Chandrachud is also representing said persons in many cases. Few orders showing his appearances are marked and annexed herewith at **Exhibit – "B Colly"**

4.4. That, in relation to the **FIR No. 806/2019,** Adv. Abhinav Chandrachud appeared on behalf of Sheetal Tejwani in **Writ Petition No. 3093/2021** which is connected with various Writ Petitions such as **Writ Petition No. 4134 of 2019.**

4.5. The mastermind of the extortion group and main accused Sagar Suryavanshi also filed one intervention through of one Smt. Anita Chavan in relation to the similar chain of FIR's by making her complainant. This was done only with an ulterior purpose of extortion.

4.6. However, all unethical & unlawful efforts & frivolous stands by said Sagar Suryavanshi through said Anita Chavan Etc., were rejected by the Hon'ble High Court and the respective persons got the interim relief to which the mastermind Sagar Suryavanshi was opposing.

4.7. That, the said mastermind Sagar Suryavanshi is a habitual criminal in committing extortion by filling false cases, fabricating false evidences and doing forgery of the court records. He was a wanted to be accused in many cases and the Hon'ble Bombay High Court has already issued a non-bailable warrant against him on **9th June 2021.[Criminal W.P. No. 590 of 2021][Exhibit- "C"].**

Said order is upheld by the Three-Judge Bench of the Supreme Court on **02.07. 2021 (SLP [Cri] No. 4423 of 2021) [Exhibit – "D"].** His request to extend the time to surrender was already rejected by the Hon'ble Supreme Court on **4th March 2020 in MA No. 685 of 2020 in SLP (Cri.) No. 5703 of 2020. [Exhibit – "E"]**

4.8. Having perceived an adverse atmosphere and having realized that their plan to commit extortion is failed, all the accused including **Adv. Abhinav Chandrachud** and Justice D.Y. Chandrachud hatched a further conspiracy to exert pressure upon the other Petitioners & also upon the High Court.

4.9. In furtherance of the said conspiracy said Anita K. Chavan has filed a total bogus Petition before the Supreme Court. [SLP (Crl.) No. 9131 of 2021]

Said Petition was ex-facie bogus as it was based on the false allegations that there is one application filed by the state for vacating the stay granted to the Petitioners and Bombay High Court is not hearing the said application. In fact, there is no application filed by the state. And state has not approached the Supreme Court.

4.10. On **29.11.2021** the matter came up for hearing before the Bench of accused Justice Dr. D.Y. Chandrachud. Then as a part of a pre-planned conspiracy, Justice D. Y. Chandrachud without hearing the Counsel for the state and without issuing any notice to the other parties straightaway passed a blatantly illegal order **regarding a non-existent application allegedly filed by the state.** This was done to serve the ulterior purposes of his son and other syndicates of the mastermind extortionist accused Sagar Suryawanshi.

4.11. In passing the order dated 29.11.2021, accused Justice Dr. D.Y. Chandrachud has acted in utter disregard and defiance of law, statute, and binding precedents of the Supreme Court. The dishonesty is ex-facie clear as explained in the following paras.

5. # Contempt No 1 # :- Passing order in a case related to his son is Contempt of the 'Judges Ethics Code' and binding precedents in Gullapalli Nageswara Rao v. A.P. State Road Transport Corpn. 1959 Supp (1) SCR 319, Supreme Court Advocates-on-Record -Association and another Vs. Union of India (2016) 5 SCC 808,State of Punjab Vs. Davinder Pal Singh Bhullar (2011) 14 SCC 770 Etc.

5.1. That, Justice Dr. D.Y. Chandrachud was disqualified to hear any case where his son is representing any of the parties. But then also he heard the matter and passed the order beneficial to his son's client. This is an offence under sections **166, 219, 409, 120(B), 34 & 52**, etc., of the Indian Penal Code.

5.2. It is also an offence of Contempt of specific binding precedents of the Supreme Court in **(i) State of Punjab Vs. Davinder Pal Singh Bhullar (2011) 14 SCC 770 (ii) A.K. Kraipak Vs. Union of India (1969) 2 SCC 262 (iii) Mineral Development Ltd. Vs. State (1960) 2 SCR 609.**

5.3. Undue haste in passing orders without any urgency and favoring his son's client proves the malafides and judicial dishonesty of Justice D. Y. Chandrachud. It is sufficient ground to withdraw all his judicial works. It requires investigation by CBI to unearth the complete conspiracy as per the law laid down in **Noida Entrepreneurs Assn. v. Noida, (2011) 6 SCC 508.**

5.4. In **State of Punjab Vs. Davinder Pal Singh Bhullar (2011) 14 SCC 770 : (2012) 4 SCC (Cri.) 496**it is ruled as under;

> *"BIAS- allegations made against a Judge of having bias - High Court Judge in order to settle personal score passed illegal order against public servant acted against him - Actual proof of prejudice in such a case may make the*

case of the party concerned stronger, but such a proof is not required. In fact, what is relevant is the reasonableness of the apprehension in that regard in the mind of the party. However, once such an apprehension exists, the trial/judgment/order etc. stands vitiated for want of impartiality. Such judgment/order is a nullity and the trial "coram non-judice". - Bias is the second limb of natural justice. Prima facie no one should be a judge in what is to be regarded as "sua causa. Whether or not he is named as a party. The decision-maker should have no interest by way of gain or detriment in the outcome of a proceeding. Interest may take many forms. It may be direct, it may be indirect, it may arise from a personal relationship or from a relationship with the subject-matter, from a close relationship or from a tenuous one – No one should be Judge of his own case. This principle is required to be followed by all judicial and quasi-judicial authorities as non-observance thereof, is treated as a violation of the principles of natural justice. The failure to adhere to this principle creates an apprehension of bias on the part of Judge.

16. *The test of real likelihood of bias is whether a reasonable person, in possession of relevant information, would have thought that bias was likely and whether the adjudicator was likely to be disposed to decide the matter only in a particular way.* ***Public policy requires that there should be no doubt about the purity of the adjudication process/administration of justice****. The Court has to proceed observing the minimal requirements of natural justice, i.e.,* ***the Judge has to act fairly and without bias and in good faith. A judgment which is the result of bias or want of impartiality, is a nullity and the trial 'coram non judice'****. Therefore, the consequential order, if any, is liable to be quashed. (Vide:* ***Vassiliades v. Vassiliades*** *AIR 1945 PC 38;* ***S. Parthasarathi v. State of Andhra Pradesh*** *MANU/SC/0059/1973 : AIR 1973 SC 2701; and* ***Ranjit Thakur v. Union of India and Ors.*** *MANU/SC/0691/1987 : AIR 1987 SC 2386).*

17. *In* ***Rupa Ashok Hurra v. Ashok Hurra and Anr.*** *MANU/SC/0910/2002 : (2002) 4 SCC 388, this Court observed that public confidence in the judiciary is said to be the basic criterion of judging the justice delivery system.* ***If any act or action, even if it is a passive one, erodes or is even likely to erode the ethics of judiciary, the matter needs a further look.*** *In the event, there is any affectation of such an administration of justice either by way of infraction of natural justice or an order being passed wholly without jurisdiction or affectation of public confidence as regards the doctrine of integrity in the justice delivery system, technicality ought not to outweigh the course of justice ' the same being the true effect of the doctrine of ex debito justitiae. It is enough if there is a ground of an appearance of bias.*

18. *In* ***Locabail (UK) Ltd. v. Bayfield Properties Ltd. and Anr.*** *(2000) 1 All ER 65, the House of Lords considered the issue of disqualification of a Judge on the ground of bias and held that in applying the real danger or possibility of bias test,* ***it is often appropriate to inquire whether the Judge knew of the matter in question. To that end, a reviewing court may receive a written statement from the Judge. A Judge must recuse himself from a case before any objection is made or if the circumstances give rise to automatic disqualification or he feels personally embarrassed in hearing the case.*** *If, in any other case, the Judge becomes aware of any matter which can arguably be said to give rise to a real danger of bias, it is generally desirable that disclosure should be made to the parties in advance of the hearing. …….*

19. *In Justice* ***P.D. Dinakaran v. Hon'ble Judges Inquiry Committee*** *(2011) 8 SCC 380, this Court has held that in India the courts have held that, to disqualify a person as a Judge, the test of real likelihood of bias, i.e., real danger is to be applied, considering whether a fair minded and informed person, apprised of all the facts, would have a serious apprehension of bias. In other words, the courts give effect to the maxim that 'justice must not only be done but be seen to be done', by examining not actual bias but real possibility of bias based on facts and materials.*

The Court further held:

The first requirement of natural justice is that the Judge should be impartial and neutral and must be free from bias. He is supposed to be indifferent to the parties to the controversy. He cannot act as Judge of a cause in which he himself has some interest either pecuniary or otherwise as it affords the strongest proof against neutrality. *He must be in a position to act judicially and to decide the matter objectively. A Judge must be of sterner stuff. His mental equipoise must always remain firm and undetected. He should not allow his personal prejudice to go into the decision- making. The object is not merely that the scales be held even; it is also that they may not appear to be inclined. If the Judge is subject to bias in favour of or against either party to the dispute or is in a position that a bias can be assumed, he is disqualified to act as a Judge, and the proceedings will be vitiated. This rule applies to the judicial and administrative authorities required to act judicially or quasi-judicially.'*

20. *Thus, it is evident that the allegations of judicial bias are required to be scrutinised taking into consideration the factual matrix of the case in hand. The court must bear in mind that a mere ground of appearance of bias and not actual bias is enough to vitiate the judgment/order. Actual proof of prejudice in such a case may make the case of the party concerned stronger, but such a proof is not required. In fact, what is relevant is the reasonableness of the apprehension in that regard in the mind of the party. However, once such an apprehension exists, the trial/judgment/order etc. stands vitiated for want of impartiality. Such judgment/order is a nullity and the trial 'coram non-judice.*

5.5. In **Supreme Court Advocates-on-Record Vs.Union of India (2016) 5 SCC 808: 2015 SCC OnLine SC 976** it is ruled as under;

"23. Lord Wilkinson summarised the principles on which a Judge is disqualified to hear a case*. As per Lord Wilkinson -*

"The fundamental principle is that a man may not be a judge in his own cause. This principle, as developed by the courts, has two very similar but not identical implications. First it may be applied literally: if a judge is in fact a party to the litigation or has a financial or proprietary interest in its outcome then he is indeed sitting as a judge in his own cause. In that case, the mere fact that he is a party to the action or has a financial or proprietary interest in its outcome is sufficient to cause his automatic disqualification. The second application of the principle is where a judge is not a party to the suit and does not have a financial interest in its outcome, but in some other way his conduct or behaviour may give rise to a suspicion that he is not impartial, for example because of his friendship with a party. This second type of case is not strictly speaking an application of the principle that a man must not be judge in his own cause, since the judge will not normally be himself benefiting, but providing a benefit for another by failing to be impartial.

In my judgment, this case falls within the first category of case, viz. where the judge is disqualified because he is a judge in his own cause. In such a case, once it is shown that the judge is himself a party to the cause, or has a relevant interest in its subject matter, he is disqualified without any investigation into whether there was a likelihood or suspicion of bias. The mere fact of his interest is sufficient to disqualify him unless he has made sufficient disclosure.

And framed the question;

"….the question then arises whether, in non-financial litigation, anything other than a financial or proprietary interest in the outcome is sufficient automatically to disqualify a man from

sitting as judge in the cause." He opined that although the earlier cases have "all dealt with automatic disqualification on the grounds of pecuniary interest, there is no good reason in principle for so limiting automatic disqualification."

Lord Wilkinson concluded that Amnesty International and its associate company known as A.I.C.L., had a non-pecuniary interest established that Senator Pinochet was not immune from the process of extradition. He concluded that, ***"….the matter at issue does not relate to money or economic advantage but is concerned with the promotion of the cause, the rationale disqualifying a judge applies just as much if the judge's decision will lead to the promotion of a cause in which the judge is involved together with one of the parties"***

24. After so concluding, dealing with the last question, whether the fact that Lord Hoffman was only a member of A.I.C.L. but not a member of Amnesty International made any difference to the principle, Lord Wilkinson opined that even though a judge may not have financial interest in the outcome of a case, but in some other way his conduct or behaviour may give rise to a suspicion that he is not impartial and held that if the absolute impartiality of the judiciary is to be maintained, there must be a rule which automatically disqualifies a judge who is involved, whether personally or as a director of a company, in promoting the same causes in the same organisation as is a party to the suit. There is no room for fine distinctions. This aspect of the matter was considered in P.D. Dinakaran case[106].

25. *From the above decisions, in our opinion, the following principles emerge;*

25.1. If a Judge has a financial interest in the outcome of a case, he is automatically disqualified from hearing the case.

25.2. ***In cases where the interest of the Judge in the case is other than financial, then the disqualification is not automatic but an enquiry is required whether the existence of such an interest disqualifies the Judge tested in the light of either on the principle of "real danger" or "reasonable apprehension" of bias.***

25.3. The Pinochet case added a new category i.e that the Judge is automatically disqualified from hearing a case where the Judge is interested in a cause which is being promoted by one of the parties to the case."

5.6. Constitution Bench of the Supreme Court in **Gullapalli Nageswara Rao v. A.P. State Road Transport Corpn. 1959 Supp (1) SCR 319,** it is ruled as under;

"30. …… *The aforesaid decisions accept the fundamental principle of natural justice that in the case of quasi-judicial proceedings, the authority empowered to decide the dispute between opposing parties must be one without bias towards one side or other in the dispute.* ***It is also a matter of fundamental importance that a person interested in one party or the other should not, even formally, take part in the proceedings though in fact he does not influence the mind of the person, who finally decides the case. This is on the principle that justice should not only be done, but should manifestly and undoubtedly be seen to be done.*** *The hearing given by the Secretary, Transport Department, certainly offends the said principle of natural justice and the proceeding and the hearing given, in violation of that principle, are bad."*

5.7. That the **'Judges Ethics Code'** accepted by the all Judges of the Supreme Court has put the follow restrictions upon all the Judges.

Chief Justices of all the High Courts have adopted a resolution that the judiciary will be bound by its own code of ethics to be known as the "restatement of values of judicial life" The 15 point Code stipulates that nay act of a judge of the Supreme Court or High court, whether in official or personal capacity, which erodes the judiciary's' credibility has to be avoided. The following are the main point of the code.

1. A Judges should not contest election to any office of a club, society or the association.

2. He should not hold such elective office except a society or association connected with the law.

3. Close association of a judge with individual members of the bar, particularly those who practice in the same court, must be eschewed.

4. A Judge should not permit any member of his immediate family, such as spouse, son, daughter, son-in-low any other close relative, if he or she is a member of the bar, to appear before him or even be associated in any manner with a case to be dealt by him.

5. A member of a judge's family, if he or she is a member of the bar, should not be permitted to use the residence in which the judge actually resides, as an office.

6. A judge should conduct himself with a degree of aloofness consistent with the dignity of his office.

7. A judge should not hear and decide a matter in which a member of his family, a close relative or a friend is concerned.

15. ***Every judge must at all time be conscious that he is under public gaze and there should be no act or omission by him which is unbecoming of his office.***

16. <u>The Code of Ethics was released by Chief Justice A. S. Anand at the Chief Justice annual conference. It was also resolved that it would be mandatory for every judge to declare his assets, including those of his spouse and depenents.</u>

5.8. Hon'ble Supreme Court in **<u>P.K. Ghosh and Ors.Vs.J.G. Rajput (1995) 6 SCC 744</u>** as under ;

*"**Judicial Bias: Judge should have recused himself from hearing the contempt petition, particularly when a specific objection to this effect was taken by the appellants.***

Contempt of Courts Act - Constitution of Bench - Objection as to hearing of Contempt petition by a particular Judge - Failure to recuse himself is highly illegal - order vitiated - The response given by B. J. Shethna, J. to Chief Justice of India indicated his disappointment that contempt proceedings were not initiated against the appellants for raising such an objection. The expression of this opinion by him is even more unfortunate.

*In the fact and circumstances of this case, **<u>we are afraid that this facet of the rule of law has been eroded.</u>** We are satisfied that B. J. Shethna, J., in the facts and circumstances of this case, should have recused himself from hearing this contempt petition, particularly when a specific objection to this effect was taken by the appellants in view of the respondent's case in the contempt petition wherein the impugned order came to be made in his favour. In our opinion, the impugned order is vitiated for this reason alone.*

5.9. Hence it is ex facie clear that Justice D.Y. Chandrachud acted on utter disregard and defiance of the law laid down by the Supreme Court and therefore he is guilty of section 2 (b) of Contempt of Courts Act, 1971.

5.10. In **<u>Barad Kanta Mishra vs. State of Orissa (1973) 1 SCC 446,</u>** it is ruled as under ;

> ***"15.*** *The conduct of the appellant in not following the previous decision of the High Court is calculated to create confusion in the administration of law. It will undermine respect for law laid down by the High Court and impair the constitutional authority of the High Court. His conduct istherefore comprehended by the principles underlying the law of contempt. The analogy of the inferior court's disobedience to the specific order of a superior court also suggests that his conduct falls within the purview of the law of contempt. Just as the disobedience to a specific order of the Court undermines the authority and dignity of the court in a particular case, similarly the deliberate and mala fide conduct of not following the law laid down in the previous decision undermines the constitutional authority and respect of the High Court. Indeed, while the former conduct has repercussions on an individual case and on a limited number of persons, the latter conduct has a much wider and more disastrous impact. It is calculated not only to undermine the constitutional authority and respect of the High Court, generally, but is also likely to subvert the Rule of Law and engender harassing uncertainty and confusion in the administration of law."*

5.11. In **Legrand Pvt. Ltd . 2007 (6) Mh.L.J.146** it is ruled as under;

> ***9(c).*** *If in spite of the earlier exposition of law by the High Court having been pointed out and attention being pointedly drawn to that legal position, in utter disregard of that position, proceedings are initiated, it must be held to be a wilful disregard of the law laid down by the High Court and would amount to civil contempt as defined in Section 2(b) of the Contempt of Courts Act, 1971.*

5.12. In C. S. Karnan (2017) 7 SCC 1 it is ruled as under;

> ***"55.*** *The contemnor who claims to have knowledge of the various alleged misdeeds of the Judges of the Madras High Court at best can be a complainant or informant. If an*

appropriate enquiry is initiated into any one or all of the allegations made by the contemnor, he would figure as a witness to establish the truth of the allegations made by him. ***Unfortunately, the contemnor appears to be oblivious of one of the fundamental principles of law that a complainant/ informant cannot be a judge in his own complaint. The contemnor on more than one occasion "passed orders purporting to be in exercise of his judicial functions" commanding various authorities of the States to take legal action against various Judges of the Madras High Court on the basis of the allegations made by him from time to time."***

5.13. In **Authorized Officer, State Bank of Travancore Vs. Mathew K.C. (2018) 3 SCC 85**, it is ruled that the judge is bound to apply the correct law even if it is not raised by the party.

5.14. Hon'ble Supreme Court in **Medical Council of India Vs G.C.R.G. Memorial Trust & Others (2018) 12 SCC 564** has ruled as under:

The judicial propriety requires judicial discipline. Judge cannot think in terms of "what pleases the Prince has the force of law". Frankly speaking, the law does not allow so, for law has to be observed by requisite respect for law.

A Judge should abandon his passion. He must constantly remind himself that he has a singular master "duty to truth" and such truth is to be arrived at within the legal parameters. No heroism, no rhetorics.

A Judge even when he is free, is still not wholly free; he is not to innovate at pleasure; he is not a knighterrant roaming at will in pursuit of his own ideal of beauty or of goodness; he is to draw inspiration from consecrated principles

10. In this context, we may note the eloquent statement of Benjamin Cardozo who said:

The judge is not a knight errant, roaming at will in pursuit of his own ideal of beauty and goodness.

11. In this regard, the profound statement of Felix Frankfurter1 is apposite to reproduce:

For the highest exercise of judicial duty is to subordinate one's personal pulls and one's private views to the law of which we are all guardians-those impersonal convictions that make a society a civilized community, and not the victims of personal rule.

The learned Judge has further stated:

What becomes decisive to a Justice's functioning on the Court in the large area within which his individuality moves is his general attitude toward law, the habits of the mind that he has formed or is capable of unforming, his capacity for detachment, his temperament or training for putting his passion behind his judgment instead of in front of it. The attitudes and qualities which I am groping to characterize are ingredients of what compendiously might be called dominating humility.

13. In this context, we may refer with profit the authority in Om ***Prakash Chautala v. Kanwar Bhan MANU/SC/0075/2014 : (2014) 5 SCC 417*** *wherein it has been stated:*

19. It needs no special emphasis to state that a Judge is not to be guided by any kind of notion. The decision making process expects a Judge or an adjudicator to apply restraint, ostracise perceptual subjectivity, make one's emotions subservient to one's reasoning and think dispassionately. He is expected to be guided by the established norms of judicial process and decorum.

And again:

20. A Judge should abandon his passion. He must constantly remind himself that he has a singular master "duty to truth" and such truth is to be arrived at within the legal parameters. No heroism, no rhetorics.

14. In ***Dwarikesh Sugar Industries Ltd. v. Prem Heavy Engineering Works (P) Ltd. and Anr. MANU/SC/0639/1997 : (1997) 6 SCC 450****, the threeJudge Bench observed:*

32. When a position in law is well settled as a result of judicial pronouncement of this Court, it would amount to judicial impropriety to say the least, for the subordinate courts including the High Courts to ignore the settled decisions and then to pass a judicial order which is clearly contrary to the settled legal position. Such judicial adventurism cannot be permitted and we strongly deprecate the tendency of the subordinate courts in not applying the settled principles and in passing whimsical orders which necessarily has the effect of granting wrongful and unwarranted relief to one of the parties. It is time that this tendency stops.

15. The aforestated thoughts are not only meaningfully pregnant but also expressively penetrating. They clearly expound the role of a Judge, especially the effort of understanding and attitude of judging. ***A Judge is expected to abandon his personal notion or impression gathered from subjective experience. The process of adjudication lays emphasis on the wise scrutiny of materials sans emotions. A studied analysis of facts and evidence is a categorical imperative. Deviation from them is likely to increase the individual gravitational pull which has the potentiality to take justice to her coffin.***

5.15. In **New Delhi Municipal Council Vs. M/S Prominent Hotels Limited 2015 SCC Online Del 11910,** it is ruled as under;

"30.26*. The impugned judgement and decree is vitiated on account of conscious disregard of the well settled law by the Trial Court. The Trial Court, who was obliged to apply law and adjudicate claims according to law, is found to have thrown to winds all such basic and fundamental principles of law. The Trial Court did not even consider and apply its mind to the judgments cited by NDMC at the*

time of hearing. The judicial discipline demands that the Trial Court should have followed the well settled law. The judicial discipline is one of the fundamental pillars on which judicial edifice rests and if such discipline is routed, the entire edifice will be affected. It cannot be gainsaid that the judgments mentioned below are binding on the Licensee who could not have bypassed or disregarded them except at the peril of contempt of this Court. This cannot be said to be a mere lapse. The Trial Court has dared to disregard and deliberately ignore the following judgments.

22. *Consequences of the Trial Court disregarding well settled law*

22.1. *If the Trial Court does not follow the well settled law, it shall create confusion in the administration of justice and undermine the law laid down by the constitutional Courts. The consequence of the Trial Court not following the well settled law amounts to contempt of Court. Reference in this regard may be made to the judgments given below.*

22.5. *In Re: M.P. Dwivedi, (1996) 4 SCC 152, the Supreme Court initiated suo moto contempt proceedings against seven persons including the Judicial Magistrate, who disregarded the law laid down by the Supreme Court against handcuffing of under-trial prisoners. The Supreme Court held this to be a serious lapse on the part of the Magistrate, who was expected to ensure that basic human rights of the citizens are not violated. The Supreme Court took a lenient view considering that Judicial Magistrate was of young age. The Supreme Court, however, directed that a note of that disapproval to be placed in his personal file. Relevant portion of the said judgment is reproduced hereunder : -*

"22. …… *It appears that the contemner was completely insensitive about the serious violations of the human rights of the undertrial prisoners in the matter of their handcuffing inasmuch as when the prisoners were produced before him in court in handcuffs, he did*

not think it necessary to take any action for the removal of handcuffs or against the escort party for bringing them to the court in handcuffs and taking them away in handcuffs without his authorisation. This is a serious lapse on the part of the contemner in the discharge of his duties as a judicial officer who is expected to ensure that the basic human rights of the citizens are not violated. Keeping in view that the contemner is a young judicial officer, we refrain from imposing punishment on him. We, however, record our strong disapproval of his conduct and direct that a note of this disapproval by this Court shall be kept in the personal file of the contemner. ***We also feel that judicial officers should be made aware from time to time of the law laid down by this Court and the High Court, more especially in connection with protection of basic human rights of the people and, for that purpose, short refresher courses may be conducted at regular intervals so that judicial officers are made aware about the developments in the law in the field****."*

5.16. Sections of the Indian Penal Code:-

5.16.1. Section 52 of Indian Penal Code, 1860 reads thus;

"52. Good faith" - *Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention.***"**

5.16.2. Section 166 in The Indian Penal Code

"166. Public servant disobeying law, with intent to cause injury to any person.—*Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.***"**

5.16.3. Section 219 of Indian Penal Code, 1860 reads thus;

*"219. **Public servant in judicial proceeding corruptly making report, etc., contrary to law** - Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.*

5.16.4. Section 409 of Indian Penal Code, 1860 reads thus;

*"409. **Criminal breach of trust by public servant, or by banker, merchant or agent** - Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*

5.16.5. Section 120-B of the Indian Penal Code, 1860 reads thus;

*"**120B. Punishment of criminal conspiracy.—***

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, 2[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both."

5.16.7. Section 34 of the Indian Penal Code, 1860 reads thus;

> ***"34. Acts done by several persons in furtherance of common intention.—****When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."*

5.16.8. Section 109 of the Indian Penal Code, 1860 reads thus;

> ***"109. Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.—****Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence."*

5.17. That, the issue raised in the said SLP before the accused Judge D.Y. Chandrachud was regarding the alleged grievance of the state authority. In fact, said Application was neither on the record of the High Court nor annexed to the petition of the Supreme Court.

A copy of the said petition is annexed herewith to ex-facie prove the malafides of Justice **D.Y. Chandrachud.**

5.18. That, without there being any request by the state nor there being copy of the application filed by the state Justice Chandrachud has shown much hurry in granting relief without even hearing the state's advocate.

There is no explanation for such an extraordinary super-fast act.

5.19. It is settled law that undue- haste by any public servant is sufficient proof of malafides and CBI investigation is required to unearth the complete conspiracy.

5.20. That, the Audi-Alterim-Partem (No one should be condemned unheard) is a basic rule of natural justice Hon'ble Supreme Court in a catena of decisions has warned the Judges to not to pass any orders without hearing the parties to the proceedings. **[Maneka Gandhi v. Union of India, (1978) 1 SCC 248]**

5.21. But Justice Chandrachud acted in utter disregard and defiance of the said mandatory procedure and straightaway passed the order in favor of his son's client.

The reason for not issuing any notice or hearing state counsel was obvious that the fraud and conspiracy would have been exposed.

5.22. In a case of similar nature, the Hon'ble Supreme Court had ruled that the inference of malafides of the Judge should be drawn and he may be removed from the Judiciary. In **R.R. Parekh Vs. High Court of Gujrat (2016) 14 SCC 1: 2016 SCC OnLine SC 692,** case Hon'ble Supreme Court had upheld the order of dismissal of a Judge. It is ruled as under;

> ***"A Judge passing an order against provisions of law in order to help a party is said to have been actuated by an oblique motive or corrupt practice - breach of the governing principles of law or procedure by a Judge is indicative of judicial officer has been actuated by an oblique motive or corrupt practice - No direct evidence is necessary - A charge of misconduct against a Judge has to be established on a preponderance of probabilities - The Appellant had absolutely no convincing explanation for this course of conduct - Punishment of compulsory retirement directed.***
>
> *A wanton breach of the governing principles of law or procedure by a Judge is indicative of judicial officer has been actuated by an oblique motive or corrupt practice. In the absence of a cogent explanation to the contrary, it is for the disciplinary authority to determine whether a pattern has emerged on the basis of which an inference that the judicial officer was actuated by extraneous considerations can be drawn - It is not the correctness of the verdict but the conduct of the officer which is in question- . There is on the one hand a genuine public interest in protecting fearless and honest officers of the district judiciary from motivated criticism and attack. Equally there is a genuine public interest in holding a person who is guilty of wrong doing responsible for his or his actions. Neither aspect of public interest can be ignored. Both are vital to the preservation of the integrity of the administration of justice - A charge of misconduct*

against a Judge has to be established on a preponderance of probabilities - No reasons appear from the record of the judgment, for We have duly perused the judgments rendered by the Appellant and find merit in the finding of the High Court that the Appellant paid no heed whatsoever to the provisions of Section 135 under which the sentence of imprisonment shall not be less than three years, in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the Court. Most significant is the fact that the Appellant imposed a sentence in the case of each accused in such a manner that after the order was passed no accused would remain in jail any longer. Two of the accused were handed down sentences of five months and three months in such a manner that after taking account of the set-off of the period during which they had remained as under-trial prisoners, they would be released from jail. The Appellant had absolutely no convincing explanation for this course of conduct."

5.23. In a similar case where a false version of the non-existent application is made, the Hon'ble Supreme Court had ordered CBI to prosecute the accused under perjury.

In **Sanjeev Kumar Mittal Vs. State (2011) 121 DRJ 328** it is ruled as under;

"12……

12.1.1. *In* ***Pushpa Devi Jatia v. M.L. Wadhavan, Additional Secretary, Government of India, AIR 1987 SC 1156,*** *the Hon'ble Supreme Court while dismissing SLP and Writ Petition on 19.12.1986 held:*

"3. *We have also heard learned Counsel for the parties on the application made by the Union Government under Section 340 of the Cr. P.C. 1973 for prosecution of the persons responsible for forging the documents purporting to be the alleged representation made by the detenu under Section 8(b) of the COFEPOSA on April 15, 1985 as,* ***in fact, no such***

representation was ever made, and for making alleged interpolations in the relevant records. We reserve our orders thereon.

4. *Accordingly, the Special Leave Petition and the Writ Petition are dismissed. The detailed reasons for the Judgment and the consequential directions, if any, shall follow."*

12.1.2. *In the same case,* ***Pushpadevi M. Jatia v. M.L. Wadhavan*** *later on 29th April, 1987 and reported as* ***(1987) 3 SCC 367 : AIR 1987 SC 1748,*** *the Hon'ble Supreme Court observed:*

"35. *We feel fully persuaded to hold that this is a fit case in which the detenu, his wife (petitioner herein), Ashok Jain and all other persons responsible for the fabrication of false evidence should be prosecuted for the offence committed by them. Nevertheless we wish to defer the passing of the final order on the application made under S. 340 of the Code of Criminal Procedure, 1973 by the Union of India at this stage because of the fact the Central Bureau of Investigation is said to be engaged in making a through investigation of the matter so that suitable action could be taken against all the perpetrators of the fraudulent acts and the offences. As such the launching of any prosecution against the detenue and his set of people at this stage forthwith may lead to a permanent closure of the investigation resulting in the Central Bureau of Investigation being unable to unearth the full extent of the conspiracy. Such a situation should not come to pass because the manipulations of the detenue and his agents on the one hand and the connivance of staff in the President's Secretariat on the other cannot be treated as innocuous features or mere coincidence and cannot, therefore, be taken lightly or viewed*

leniently. On the contrary they are matters which have to be taken serious note of and dealt with a high degree of vigilance, care and concern. Consequently, while making known our opinion of the matter for action being taken under S. 340 of the Code of Criminal Procedure we defer the passing of final orders on the application under S. 340 till the investigation by the Central Bureau of Investigation is completed. The respondents are permitted to move the Court for final orders in accordance with our directions."

The order passed by Supreme Court three days later, i.e., on 1st May, 1987 (unreported), reads as under:

"We direct the Director the Central Bureau of Investigation to take up the investigation into the matter. If during the course of such investigation, the C.B.I. requires inspection of the records of the Supreme Court, the Registrar (Judicial) shall permit such inspection as and when required.

The director of the investigation shall submit his report to the Government of India, Ministry of Home Affairs, New Delhi for necessary action."

Thereafter, on 20.07.1994, the Hon'ble Supreme Court in Criminal Miscellaneous Petition No. 464 of 1986 in WP (Criminal) 363/1986 ordered:

"... We thus order the Registrar General of this court to prepare a complaint as expeditiously as possible in the light of all concerned orders in terms of Section 195 read with Section 340 of the Criminal Procedure Code and file it before a competent criminal court against the aforesaid six persons...."

The Complaint was filed and registered as ***"Supreme Court of India v. Milap Chand Jagotra"*** *Complaint No. 58/1 of 1998.***"**

5.24. In **Muzaffar Husain Vs. State of Uttar Pradesh 2022 SCC Online SC 567** it is ruled as under;

> ***"15.*** *In our opinion, showing undue favour to a party under the guise of passing judicial orders is the worst kind of judicial dishonesty and misconduct. The extraneous consideration for showing favour need not always be a monetary consideration. It is often said that "the public servants are like fish in the water, none can say when and how a fish drank the water". A judge must decide the case on the basis of the facts on record and the law applicable to the case. If he decides a case for extraneous reasons, then he is not performing his duties in accordance with law. As often quoted, a judge, like Caesar's wife, must be above suspicion."*

5.25. In **Shrirang Waghmare Vs. State of Maharashtra (2019) 9 SCC 144,** it is ruled as under;

> ***"5.*** *The first and foremost quality required in a Judge is integrity. The need of integrity in the judiciary is much higher than in other institutions. The judiciary is an institution whose foundations are based on honesty and integrity. It is, therefore, necessary that judicial officers should possess the sterling quality of integrity. This Court in Tarak Singh v. Jyoti Basu [Tarak Singh v. Jyoti Basu, (2005) 1 SCC 201] held as follows: (SCC p. 203)*
>
> *"Integrity is the hallmark of judicial discipline, apart from others. It is high time the judiciary took utmost care to see that the temple of justice does not crack from inside, which will lead to a catastrophe in the justice-delivery system resulting in the failure of public confidence in the system. It must be remembered that woodpeckers inside pose a larger threat than the storm outside."*
>
> ***6 [Ed.: Para 6 corrected vide Official Corrigendum No. F.3/Ed.B.J./105/2019 dated 6-11-2019.] .*** *The behaviour of a Judge has to be of an exacting standard, both inside and outside the court. This Court in Daya Shankar v. High Court of Allahabad [Daya*

Shankar v. High Court of Allahabad, (1987) 3 SCC 1 : 1987 SCC (L&S) 132] held thus: (SCC p. 1)

> *"Judicial officers cannot have two standards, one in the court and another outside the court. They must have only one standard of rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy."*

7. *Judges are also public servants. A Judge should always remember that he is there to serve the public. A Judge is judged not only by his quality of judgments but also by the quality and purity of his character. Impeccable integrity should be reflected both in public and personal life of a Judge. One who stands in judgments over others should be incorruptible. That is the high standard which is expected of Judges.*

8. *Judges must remember that they are not merely employees but hold high public office.* ***In R.C. Chandel v. High Court of M.P. [R.C. Chandel v. High Court of M.P., (2012) 8 SCC 58 : (2012) 4 SCC (Civ) 343 : (2012) 3 SCC (Cri) 782 : (2012) 2 SCC (L&S) 469]*** *, this Court held that the standard of conduct expected of a Judge is much higher than that of an ordinary person. The following observations of this Court are relevant: (SCC p. 70, para 29)*

> *"29. Judicial service is not an ordinary government service and the Judges are not employees as such. Judges hold the public office; their function is one of the essential functions of the State. In discharge of their functions and duties, the Judges represent the State. The office that a Judge holds is an office of public trust. A Judge must be a person of impeccable integrity and unimpeachable independence. He must be honest to the core with high moral values. When a litigant enters the courtroom, he must feel secured that the Judge before whom his matter has come, would deliver justice impartially and*

uninfluenced by any consideration. The standard of conduct expected of a Judge is much higher than an ordinary man. This is no excuse that since the standards in the society have fallen, the Judges who are drawn from the society cannot be expected to have high standards and ethical firmness required of a Judge. A Judge, like Caesar's wife, must be above suspicion. The credibility of the judicial system is dependent upon the Judges who man it. For a democracy to thrive and the rule of law to survive, justice system and the judicial process have to be strong and every Judge must discharge his judicial functions with integrity, impartiality and intellectual honesty."

9. *There can be no manner of doubt that a Judge must decide the case only on the basis of the facts on record and the law applicable to the case. If a Judge decides a case for any extraneous reasons then he is not performing his duty in accordance with law.*

10. *In our view the word "gratification" does not only mean monetary gratification. Gratification can be of various types. It can be gratification of money, gratification of power, gratification of lust etc., etc. In this case the officer decided the cases because of his proximate relationship with a lady lawyer and not because the law required him to do so. This is also gratification of a different kind.*

11. *The judicial officer concerned did not live up to the expectations of integrity, behaviour and probity expected of him. His conduct is as such that no leniency can be shown and he cannot be visited with a lesser punishment.*

12. *Hence, we find no merit in the appeal, which is accordingly, dismissed.****"***

In <u>Noida Entrepreneurs Assn. v. NOIDA, (2011) 6 SCC 508</u> it is ruled as under;

28. *While dealing with the issue of haste, this Court in Bahadursinh Lakhubhai Gohil v. Jagdishbhai M. Kamalia [(2004) 2 SCC 65] , referred*

to S.P. Kapoor (Dr.) v. State of H.P. [(1981) 4 SCC 716 : 1982 SCC (L&S) 14 : AIR 1981 SC 2181] and held that: (Jagdishbhai M. Kamalia case [(2004) 2 SCC 65] , SCC p. 75, para 25)

> ***"25. … when a thing is done in a post-haste manner, mala fides would be presumed…."***

29. *In Zenit Mataplast (P) Ltd. v. State of Maharashtra [(2009) 10 SCC 388] this Court held: (SCC p. 399, para 39)*

> ***"39. Anything done in undue haste can also be termed as arbitrary and cannot be condoned in law…."***

30. *Thus, in case an authority proceeds in undue haste, the Court may draw an adverse inference from such conduct. It further creates a doubt that if there was no sufficient reason of urgency, what was the occasion for Respondent 4 to proceed in such haste and why fresh tenders had not been invited.*

41. *Power vested by the State in a public authority should be viewed as a trust coupled with duty to be exercised in larger public and social interest. Power is to be exercised strictly adhering to the statutory provisions and fact situation of a case. "Public authorities cannot play fast and loose with the powers vested in them**." A decision taken in an arbitrary manner contradicts the principle of legitimate expectation. An authority is under a legal obligation to exercise the power reasonably and in good faith to effectuate the purpose for which power stood conferred. In this context, "in good faith" means "for legitimate reasons". It must be exercised bona fide for the purpose and for none other**. [Vide Commr. of Police v. Gordhandas Bhanji [AIR 1952 SC 16] , Sirsi Municipality v. Cecelia Kom Francis Tellis [(1973) 1 SCC 409 : 1973 SCC (L&S) 207 : AIR 1973 SC 855] , State of Punjab v. Gurdial Singh [(1980) 2 SCC 471 : AIR 1980 SC 319] , Collector (District Magistrate) v. Raja Ram Jaiswal [(1985) 3 SCC 1 : AIR 1985 SC 1622] , Delhi Admn. v. Manohar Lal [(2002) 7 SCC 222 : 2002 SCC (Cri) 1670] and N.D. Jayal v. Union of India [(2004) 9 SCC 362 : AIR 2004 SC 867] .]*

42. *In view of the above, we are of the considered opinion that these allegations being of a very serious nature and as alleged, Respondent 4 had passed orders in colourable exercise of power favouring himself and certain contractors, require investigation. Thus, in view of the above, we direct CBI to have preliminary enquiry and in case the allegations are found having some substance warranting further proceeding with criminal prosecution, may proceed in accordance with law. It may be pertinent to mention that any observation made herein against Respondent 4 would be treated necessary to decide the present controversy. CBI shall investigate the matter without being influenced by any observation made in this judgment.*

39. *State actions are required to be non-arbitrary and justified on the touchstone of Article 14 of the Constitution. Action of the State or its instrumentality must be in conformity with some principle which meets the test of reason and relevance. Functioning of a "democratic form of Government demands equality and absence of arbitrariness and discrimination". The rule of law prohibits arbitrary action and commands the authority concerned to act in accordance with law. Every action of the State or its instrumentalities should neither be suggestive of discrimination, nor even apparently give an impression of bias, favouritism and nepotism. If a decision is taken without any principle or without any rule, it is unpredictable and such a decision is antithesis to the decision taken in accordance with the rule of law.*

40. *The public trust doctrine is a part of the law of the land. The doctrine has grown from Article 21 of the Constitution. In essence, the action/order of the State or State instrumentality would stand vitiated if it lacks bona fides, as it would only be a case of colourable exercise of power.* ***The rule of law is the foundation of a democratic society.*** *[Vide Erusian Equipment & Chemicals Ltd. v. State of W.B. [(1975) 1 SCC 70 : AIR 1975 SC 266] , Ramana Dayaram Shetty v. International Airport Authority of India [(1979) 3 SCC 489 : AIR 1979 SC 1628] , Haji T.M. Hassan Rawther v. Kerala Financial*

Corpn. [(1988) 1 SCC 166 : AIR 1988 SC 157] , Shrilekha Vidyarthi v. State of U.P. [(1991) 1 SCC 212 : 1991 SCC (L&S) 742 : AIR 1991 SC 537] and M.I. Builders (P) Ltd. v. Radhey Shyam Sahu [(1999) 6 SCC 464 : AIR 1999 SC 2468]

5.26. In a case of the prosecution against Judge Hon'ble High Court in the case of **Raman Lal Vs. State of Rajasthan 2000 SCC OnLine Raj 226** has ruled as under;

" A] Cri. P.C. Sec. 197 – Sanction for prosecution of High Court Judge – Accused are Additional High Court Judge, Suprintendant of Police Sanjeev Bhatt and others – The accused hatched conspiracy to falsely implicate a shop owner in a case under N.D.P.S. Act and when shop owner submitted to their demands he was discharged – Complaint u.s. 120-B, 195, 196, 342, 347, 357, 368, 388, 458, 482, I.P.c. and Sec. 17, 58 (1), (2) of NDPS Act – Held – there is no connection between official duty and offence – No sanction is required for prosecution – Registration of F.I.R. and investigation legal and proper.

B] Cri. P.C. Sec. 156 – Investigation against accused Addl. High Court Judge – Whether prior consultation with Chief Justice is necessary prior filling of F.I.R. against a High Court Judge as has been laid down by Supreme Court in K. Veerswami's case (1991) (3) SCC 655) – Held – In K. Veerswami's case Supreme Court observed that the Judges are liable to be dealt with just the same as any other person in respect of criminal offence and only in offence regarding corruption the sanction for criminal prosecution is required – the directions issued by Hon'ble Supreme Court are not applicable in instant case.

C] The applicant – Ram Lal Addl. High Court Judge hatched criminal conspiracy – The Bar Association submitted a representation to Hon'ble Chief Justice of India on 11-09-1997 requesting to not to confirm Raman Lal as Judge of the High Court – Later on he was transferred to Principal Judge of city Civil and Sessions Court at Ahmedabad – S.P. (C.I.D.) Jaipur sent a questionnaire through the registrar, Gujrat High Court to accused Addl. High Court Judge – Chief Justice granted permission to I.O. to interrogate – Later on I.O. sent letter to applicant to remain present before Chief Judicial Magistrate at the time of filing the charge-sheet – Applicant filed petition before High Court challenging it – Petition of applicant was rejected by High Court and Supreme Court in limine – No relief is required to be granted to petitioner in view of the facts of the case.

D] Conspiracy – I.P.C. Sec. 120 (B) – Apex court made it clear that an inference of conspiracy has to be drawn on the basis of circumstantial evidence only because it becomes difficult to get direct evidence on the such issue – The offence can only be proved largely from the inference drawn from acts or illegal ommission committed by them in furtherance of a common design – Once such a conspiracy is proved, act of one conspirator becomes the act of the others – A Co-conspirator who joins subsequently and commits overt acts in furtherance of the conspiracy must also be held liable – Proceeding against accused cannot be quashed.

E] Jurisdiction – Continuing offence – Held – Where complainants allegations are of stinking magnitude and the authority which ought to have redressed it have closed its eyes and not even trid to find out the real offender and the clues for

illegal arrest and harassment are not enquired then he can not be let at the mercy of such law enforcing agencies who adopted an entirely indifferent attitude – Legal maxim Necessiatas sub lege Non continetureQuia Qua Quad Alias Non EstLictumNecessitasfacitLictum, Means necessity is not restrained by laws – Since what otherwise is not lawful necessity makes it lawful – Proceeding proper cannot be quashed.''

5.27. In **Prabha Sharma Vs. Sunil Goyal and Ors. (2017) 11 SCC 77,** it is ruled as under;

''Article 141 of the Constitution of India - disciplinary proceedings against Additional District Judge for not following the Judgments of the High Court and Supreme Court - judicial officers are bound to follow the Judgments of the High Court and also the binding nature of the Judgments of this Court in terms of Article 141 of the Constitution of India. We make it clear that the High Court is at liberty to proceed with the disciplinary proceedings and arrive at an independent decision.

BRIEF HISTORY (From : (MANU/RH/1195/2011))

High Court initiated disciplinary proceedings against Appellant who is working as Additional District Judge, Jaipur City for not following the Judgments of the High Court and Supreme Court. Appellant filed SLP before Supreme Court - Supreme Court dismissed the petition.

Held, the judgment, has mainly stated the legal position, making it clear that the judicial officers are bound to follow the Judgments of the High Court and also the binding nature of the Judgments of this Court in terms of Article 141 of the Constitution of India. We do not find any observation in the impugned judgment which reflects on the integrity of the

Appellant. Therefore, it is not necessary to expunge any of the observations in the impugned Judgment and to finalise the same expeditiously.

Based on this Judgment, disciplinary proceedings have been initiated against the Appellant by the High Court. We make it clear that the High Court is at liberty to proceed with the disciplinary proceedings and arrive at an independent decision and to finalise the same expeditiously."

5.28. That, the act of Justice Chandrachud makes him liable for punishment under section **409 of IPC** for misusing the public property and Supreme Court machinery to help the undeserving people.

Other offences committed by Justice D. Y. Chandrachud are under sections **52, 166, 219,120(B),34, 471, 474, 199, 200, 109, etc. of IPC.**

Section 409 of the Indian Penal Code reads thus;

"409. Criminal breach of trust by a public servant, or by banker, merchant, or agent.—*Whoever, being in any manner entrusted with property, or with any dominion over the property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent,* ***commits criminal breach of trust in respect of that property, shall be punished with 1[imprisonment for life],*** *or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."*

Section 52 of the Indian Penal Code reads thus;

"52. "Good faith". *- Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention."*

Section 166 of the Indian Penal Code reads thus;

166. Public servant disobeying law, with intent to cause injury to any person.—*Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.*

Section 219 of the Indian Penal Code reads thus;

219. Public servant in judicial proceeding corruptly making report, etc., contrary to law.—*Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.*

Section 120(B) of the Indian Penal Code reads thus;

"120B. Punishment of criminal conspiracy. —

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, 2[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

Section 34 of the Indian Penal Code reads thus;

*"34. **Acts done by several persons in furtherance of common intention.—**When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."*

Section 471 of the Indian Penal Code reads thus;

"471. Using as genuine a forged 1[document or electronic record].—Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged 1[document or electronic record], shall be punished in the same manner as if he had forged such document or electronic record"

Section 474 of the Indian Penal Code reads thus;

474. Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine.— 1[Whoever has in his possession any document or electronic record, knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document or electronic record is one of the description mentioned in section 466 of this Code], be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 467, shall be punished with 2[imprisonment for life], or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.

Section 199 of the Indian Penal Code reads thus;

199. False statement made in declaration which is by law receivable as evidence.—Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or

other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

Section 200 of the Indian Penal Code reads thus;

200. Using as true such declaration knowing it to be false.— Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence."

Section 109 of the Indian Penal Code reads thus;

109. Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.—Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

5.29. In <u>State Of Maharashtra Vs. Kamlakar Nandram Bhawsar ALLMR (CRI) 2640</u> it is ruled as under;

"I.P.C. Sec. 193, 196, 466, 471, 474, r/w 09 – Criminal Procedure code, 1978, Sec. 344 – Summary trail for fabricating false evidence against Judicial Magistrate ,P.P., Police Officer, and others– Trial court acquitting accused on basis of forged dying declaration not produced by the prosecution – Trial Judge without clarifying anywhere as to who produced the dying declaration directly taking it on record – Held Acquittal set aside – High Court issued show cause notice to Advocate for accused, Additional public

Prosecutor for State, PSI, Special, Judicial Magistrate calling explanation as to why they should not be tried summarily for giving false evidence or fabricating false evidence.

Issue show cause notice to Mr. B.J. Abhyankar, Advocate for the accused, Mr. B.A. Pawar, Additional Public Prosecutor, Dr. Narayan Manohar Pawar, Civil Hospital, Nashik, PSI Ramesh Manohar Patil, Yeola Police Station, and Mr. RS. Baviskar, Special Judicial Magistrate, Nashik, why action under Section 344 of the Criminal Procedure Code should not be taken against them and they should not be summarily tried for knowingly and willfully giving false evidence or fabricating false evidence with an intention that such evidence should be used in Trial Court, or in the alternative why they should not be prosecuted for offences under Sections 193, 196, 466, 471 and 474 read with 109 of Indian Penal Code. Show cause notice returnable on 12.12.2002 before the regular Division Bench.

All the papers of the Trial Court and the papers produced by the Medical Officer of Nashik should be kept in seal in the custody of the Registrar of this Court."

5.30. In **Govind Mehta Vs. The State of Bihar AIR 1971 SC 1708** it is ruled as under;

"Criminal P.C. (5 of 1898), S.195- I.P.C. 167, 465, 466, 471 - A first class Magistrate was alleged to have made some interpolation in the order sheet of a case in after sanction under section 197 by the state Govt. a complaint was filed in a competent court of Magistrate against the said first class Magistrate. Action is legal The jurisdiction of the court, under S. 190, to take cognisance of a complaint, filed by the Public Prosecutor against a magistrate under S. 197, for offences under Ss. 167, 465, 466 and 471. Penal Code, for having interpolated in the order sheet, after an application for transfer of a case has been made, certain orders, containing the remark that the District magistrate was interfering with the

proceeding in the case before him. in order to make it appear that they had been passed much earlier, and sending the order sheet as the true report in the case to the court dealing with the transfer application, is not barred by S. 195 or S. 476 of the Code. (Para 18)

The offences under Ss. 167 and 466 are not covered by S. 194 (1) (b) or (c) and therefore the power of the Court to take cognisance of the offences is not barred on the ground of absence of a complaint against the accused by the court to which he was subordinate. ***(Para 15)***

Even as regards the offence under S. 471, Penal Code the jurisdiction of the magistrate to take cognisance is not barred by S. 195 (1) (c) as although that offence is taken in by that section its essential requirement that the offence should have been committed by a party to any proceeding in court is not satisfied. The accused had no personal interest in the transfer applications and the mere fact that certain allegations had been made against the accused in the transfer application would not make him party to the proceeding before the court dealing with that application. ***(Para 17)***

Section 476 of the Code also would not apply to the case in view of the fact that cls (b) and (c) of S.195 (1) do not apply. The fact that an application was also made by the complainant for filing a complaint under Sections 471 and 467, Penal Code would not attract the application of the section when the court gave its finding that the accused had committed forgery and interpolation in the order sheets only for the purpose of transferring the case and merely sent its order to the Government for taking action against the accused if it desired. ***(Para 18)***

It is true that S. 465, Penal Code was mentioned in the complaint and since it deals with punishment for offence under S. 463, Penal Code which is taken in by Cl. (c) of S. 195 (1) of the Code, it may also be said to be covered by that clause. Even then that clause cannot operate in the case because the offence cannot be said to have been committed by the accused "as a party to any proceeding " in a court . ***(Para 19)***

5.31. In **K. Ram Reddy Vs. State of A.P. 1997 SCC OnLine AP 1210**, it is ruled as under;

"7. *Though the report of the learned District and Sessions Judge at Karimnagar dated 30-10-1996 is a confidential one, as it was specifically referred to in the ground, and the appellants are aware of it and a copy of it is available in the records and bias is alleged against the learned District and Sessions Judge, Karimnagar, it is necessary to notice the said report. The relevant portions of it are as follows:*

"4. My discreet enquiries revealed that the concerned Section Clerks, the I and II Additional District Judges, their Additional Public Prosecutors and the Advocates all have joined hands in tampering with these bail applications and the Registers.

5. It is necessary to state here how the bail applications are registered, how they are made over to the Additional District Courts, and how the relevant entries of these applications are made in the concerned Registers.

15. The Modus Operandi is - the Advocate files a bail application falsely mentioning that the offence alleged against the accused is one under Section 307 I.P.C. After it was made over to any of the Additional District Courts, the figures '307' are altered to 302 in the bail application/s wherever 'the figures 307' occur. In case of offence u/s. 376 IPC, they file bail applications initially mentioning that the offence committed in one u/s. 354 IPC. After it was made over to any of the Addl. District Courts, the figures '354' are altered to '376' in the application/s.

16. The second mode of getting their bail applications made over to the Addl. District Courts is - they falsely give a number of an earlier bail application, which was made over to the disposed of by any of the Addl. District Judges.

19. By adopting these malpractices they used to get their bail applications made over to any of the Addl. District Courts of their choice, for reasons best known to them. The earlier bail application referred to by them in the bail application will have nothing to do with the present application. The staff of the Principal District Court will not have any opportunity to check the earlier application, as the earlier bail application mentioned by them would be in that Court only.

20. The concerned Advocates, Clerks of the Addl. District Courts, Additional Public Prosecutors joined hands in this racket and the role of the two Addl. District Judges cannot be ruled out in this murky affair.

21. The malpractices that were resorted to are apparent on the face of the records, and they are detailed below."

(emphasis supplied)

8. *Thereafter, the learned District and Sessions Judge, Karimnagar dealt with specific cases.*

9. *What is apparent from this report dated 30-10-1996 is that certain devious methods were being adopted in the Sessions Court at Karimnagar by certain advocates with the connivance of the staff of the I and II Additional Sessions Courts and the Additional Public Prosecutors attached to those courts, and that the two Additional Sessions Judges at the relevant time were also parties aware of those devious methods employed mostly in matters relating to bails - C.C. No. 29 of 1997 relates to a land acquisition O.P. These devious methods polluted the streams of justice and necessitated urgent correctives and action in the interests of administration of justice. The occurrences were not isolated instances totally unconnected with one another there was a pattern in the modus operandi*

adopted, with minor variations. I am of the view that this background is very relevant in considering the contentions raised in these matters.

64. *It is not necessary to minutely examine the facts mentioned in the orders and complaints in each of the cases and express views because the enquiry into the offences is still to be conducted and it would not be proper to pre-judge or prejudice the cases, as observed by the Supreme Court in MS Sheriffs case, AIR 1954 SC 397. The learned Counsel also did not take me through the facts of each of these cases. The facts mentioned in Calendar Case Nos. 1 and 4 of 1997 illustrate the methods employed in all these matters. In Calendar Case No. 1 of 1997 (in respect of which Criminal Appeal Nos. 275, 307 and 337 of 1997 have been preferred) the facts are stated as follows:*

> *"Firstly, Sri S. Chandra Mohan, Advocate filed an application for bail on behalf of the accused No. 4 Sanjeev on 22-4-1996 in Cr.M.P. No. 884/96 and it was dismissed as not pressed on 30-4-1996 by the complainant.*
>
> *Again A1 (Appellant in Crl.A. No. 337/97) filed another bail application on 7-5-1996 in Cr.M.P. No. 961/96 on behalf of the same Sanjeev falsely mentioning the Cr. No. as 91/96 of Karimnagar, II Town u/s. 307 IPC and it was also dismissed by the complaint as not pressed on 9-5-1996.*
>
> *Again A2 (did not prefer appeal) filed another bail application in Cr.M.P. No. 992/96 on 13-5-1996 on behalf of the same Sanjeev (A4 falsely mentioning the Cr. No. as 96/96 of Karimnagar, II Town u/s. 307 IPC and it was also dismissed as no representation on 14-5-1996 by the complainant.*
>
> *On or about 21-5-1996 all the accused and the I-Addl. Sessions Judge who was in charge of the II-Addl. Sessions Judge entered into criminal conspiracy to do all sorts of illegal acts in order to get their bail application made over to any of the Addl. Sessions Courts with a view to get favourable orders.*
>
> *In pursuance of their criminal conspiracy suppressing the earlier three bail applications, which were dismissed by the complainant earlier, A1 once*

again filed another bail application on behalf of A4 in Cr.M.P. No. 1086/96 on 21-5-1996 mentioning the Cr. No. as 91/96 falsely, instead of Cr. No. 97/96 u/s. 302. IPC, knowing that the said information is false and the earlier three bail application were dismissed, giving the impression that the bail application is filed for the first time.

A4, the petitioner in Cr.M.P. No. 1086/96 is not an accused either in Cr. No. 91/96 or Cr. No. 96/96 of Karimnagar, II-Town Police Station.

A1 and A2 who are advocates, are legally bound to state the truth, but they intentionally gave false information in a judicial proceeding viz., bail application, knowing fully well-that their statements are false and they thereby fabricated false evidence in a judicial proceeding. The I-Addl. Sessions Judge who was in charge of the District and Sessions Court and a party to the conspiracy, made over the bail application to the II-Addl. Sessions Court on 22-5-1996 and it was received by A3 (appellant in Crl. A. No. 307/97) on 23-5-1996.

Entries in respect of the Cr.M.P. No. 1086/96 are made in the Cr.M.P. Register and Diary of the Prl. Dist. Court and also in the Cr.M.P. Register of the II-Addl. Sessions Court as Cr. No. 91/96 in which originally the bail application was filed:

> *In pursuance of their criminal conspiracy after the bail application was made over to the II-Addl. Sessions Court, A3 who was the custodian of the bail application got the application tampered with by altering the Cr. No. from 91/96 to 97/96 in the cause title, on the office note, on the docket sheet, memo of appearance and in the process payment form, which are records of the court, without lawful authority and thus fabricated and forged the records of a Court of Justice illegally with intent to commit fraud in relation to a judicial proceeding to make it appear that the application was originally filed in Cr. No. 97/96.*

In pursuance of their conspiracy A5 and the I-Addl. Session Judge, who was in charge of the II-Addl. Sessions Judge helped A1, A2 and A4 by

willfully, and intentionally ignoring the dismissal of earlier three bail applications and the alterations in the bail application and the said Judge granted bail to A4 on 27-5-1996. By using as genuine a tampered and forged bail application the petitioner (A4) has been granted bail and thus benefited."

66. *In Calendar Case No. 13 of 1997 (in respect of which Criminal Appeal Nos. 385 and 394 of 1997 have been preferred) the facts alleged are as follows:*

"on or about 7-8-1996 all the accused and Sri P. Thirupathi Reddy, the then II-Addl. Sessions Judge entered into a criminal conspiracy to do all sorts of illegal acts in order to get their bail application made over to the II-Addl. Sessions Court with a view to get favourable orders.

In pursuance of their criminal conspiracy A1 (1st appellant in Crl. Appeal No. 394/97) filed an application for bail in Cr.M.P. No. 1714/96 on 7-8-1996 on behalf of A4 and A5 furnishing a false Cr. No. 25/90 of P.S. Yellareddipet and a false Cr.M.P. No. 1626/96, stating that was filed by their co-accused and were granted bail by the II-Addl. Sessions Court.

A1 and A5 have nothing to do with Cr. No. 25/90 u/ss. 148,-307T/IV.-149 IPC and Section 25/(1)(a) of Arms Act, 1959 of P.S. Yellareddipet and also with Cr.M.P. No. 1626/96.

Only with a view to get their bail application made over to the II-Addl. Sessions Court, A1 and A2 (2nd appellant in Crl. Appeal No. 394/97), for the benefit of their client, A4 and A5, furnished a false Cr. No. and Cr.M.P. No. in the bail application. A1 and A2, who are advocates, are legally bound to state the truth, but they intentionally furnished false information in the bail application, knowing fully well that their statement is false and the accused thereby fabricated false evidence in a judicial proceeding.

On account of the false statement made by the accused, the complainant was misled to make over the bail application to the II-Addl. Sessions Court for disposal.

After the bail application was made over to the II-Addl. Sessions Court, in pursuance of their criminal conspiracy A2 filed an application Cr.M.P. No. 334/96 on 8-8-1996 u/s. 482 Cr.P.C. to amend the Cr. No. 25/90 to 12 of 1994 in the bail application.

The then II-Addl. Sessions Judge and A3 (appellant in Crl. Appeal No. 385/97) helped the other accused by willfully and intentionally ignoring the false Cr.M.P. No. 1626/96, which has no connection either with A4 and A5 or the Crime in which they are involved. The II-Addl. Sessions Judge, who is a party to the conspiracy, allowed the petition for amendment on 13-8—1996 and granted bail to A4 and A5. The II-Addl. Sessions Judge is being proceeded with departmentally and is now under suspension."

5.32. In **Emperor vs Bimla Charan (1913) 35 ALL 361** where it is ruled as under**;**

I.P.C. Section 406, 408 :- Criminal breach of trust--Water works inspector misappropriating water.

The applicant was a member of the municipality at Cawnpore and one of his duties was to supervise and check the distribution of water from the municipal water-works. In other words he had dominion over the water belonging to the municipality. He deliberately misappropriated that water for his own use and for the use of his tenants, for which he paid no tax and about which he laid no information to his employers nor obtained permission for tapping the main. In thus misappropriating municipal water the applicant clearly committed the offence described in Section 408 of the Indian Penal Code.

Accused rightly convicted.

It may be that the offences of applicant may be punishable under the Water-Works Act also, but that does not vitiate the conviction under sections, 406 and 408 of the Indian Penal Code.

5.33. In **Krishan Kumar Vs. Union of India,** in para 9 it is ruled as under;

"The question would only be one of intention of the appellant and the circumstances which have been above set out do show that the appellant in what he has done or has omitted to do was moved by a guilty mind.

If under the law it is not necessary or possible for the prosecution to prove the manner in which the goods have been misappropriated then the failure of the prosecution to prove facts it set out to prove would be of little relevance.

So the essence of the offence with which the appellant was charged is that after the possession of the property of the Central Tractor Organization he dishonestly or fraudulently appropriated the property entrusted to him or under his control as a public servant

The giving of false explanation is an element which the Court can take into consideration. ***(Emperor v. Chattur Bhuj (1935) ILR 15 Patna 108, In Rex v. William (1836) 7 C&P 338****. Coleridge, J., charged the jury as follows :"*

The circumstances of the prisoner having quit- ted her place and gone off to Ireland is evidence from -which you may infer that she intended to appropriate the money and if you think that she did so intend, she is guily of embezzlement".

In our opinion the appellant was rightly convicted and we would therefore dismiss this appeal.

9. *It is not necessary or possible in every case to prove in what precise manner the accused person has dealt with or appropriated the goods of his master. The question is one of intention and not a matter of direct proof but giving a false account of what he has done with the goods received by him. may be treated a strong circumstance against the accused person. In the case of a servant charged with misappropriating the goods of his master the elements of criminal offence of misappropriation will be established if the prosecution proves that the servant received the goods, that he was under a duty to account to his master and had not done so. If the failure to account*

was due to an accidental loss then the facts being within the servant's knowledge, it is for him to explain the loss. It is not the law of this country that the prosecution has to eliminate all possible defences or circumstances which may exonerate him. If these facts are within the knowledge of the accused then he hag to prove them. Of course the prosecution has to establish a prima facie case in-the first instance. it is not enough to establish facts which give rise to a suspicion and then by reason of s. 106 of the Evidence Act to throw the onus on him to prove his innocence. See ***Harries, C.J., in Emperor v. Santa Singh AIR 1944 Lah.339."***

6. #Offence No 2 #:- Offence under sections 115, 302, 219, 218, 166, 52,323, 336,120(B),34,etc., of IPC. Misuse of power and acting contrary to law with ulterior motive to give the wrongful benefit of thousands of Crores to vaccine & pharma mafia and put the life of a citizen in danger by allowing and facilitating the offences of mass murders (Genocide) and putting people's life's in danger by passing unlawful orders and remarks during arguments:-

6.1. That, during the corona pandemic caused due to Covid-19 the Pharma & Vaccine Mafia tried to take a disadvantage and earn lacs of crores.

6.2. In furtherance of said conspiracy they joined hands with a few bureaucrats and a few dishonest doctors.

6.3. As a part of said conspiracy some unlawful and constitutional mandates were issued by a few state authorities that, **the person who had not taken the vaccines should not be allowed to move in public places or do their business, study, profession, movement, train travel,** etc.

6.4. In many cases the salary, ration and other facilities of poor people was withdrawn by some dishonest & corrupt bureaucrats.

6.5. Abovesaid circulars, SOP and mandates were unconstitutional, unscientific, and unlawful as passed against the binding precedents.

Hon'ble Supreme and various High Court have quashed such mandates in following reported judgment.

(i) Jacob Puliyel Vs. Union of India and Others **2022 SCC OnLine SC 533**

(ii) Feroze Mithiborwala Vs. The state of Maharashtra and Others **2022 SCC OnLine Bom 457**

(iii) Re Dinthar Incident Vs. State of Mizoram **2021 SCC OnLine Gau 1313.**

(iv) Registrar General Vs. State of Meghalaya **2021 SCC OnLine Megh 130.**

(v) Osbert Khaling Vs. State of Manipur **2021 SCC OnLine Mani 234.**

(vi) Dr. Aniruddha Babar Vs. State of Nagaland **2021 SCC OnLine Gau 1504.**

6.6. The observations made by the Hon'ble Supreme Court, High Court, the Government record, and authentic scientific research has ex-facie proved the following things:

(i) To take a vaccine or to refuse to take a vaccine is the fundamental right of every citizen and no one can be compelled to get vaccinated.

(ii) Vaccination is no guarantee of protection from the corona. A vaccinated person can also get infected. They can spread infection and they can also be a super-spreader and therefore there cannot be any discrimination between vaccinated & unvaccinated.

(iii) Vaccines are having side effects of death, paralysis, blindness, blood clotting, heart attacks… Etc**.** The government of India's AEFI committee admitted that many deaths are due to side effects of Covishield & Covaxin.

(iv) The vaccination increase chance of infection and death. Wherever vaccination is increased the infection increased.

(v) Around 21 European countries banned Covishield due to death.

Link: https://www.aljazeera.com/news/2021/3/15/which-countries-have-halted-use-of-astrazenecas-covid-vaccine

(vi) Vaccines are found to be ineffective against omicron & Delta Variant.

(vii) People with natural immunity are 27 times better protected than fully vaccinated people. Suggesting such people get vaccinated will damage their immunity and causes the loss of thousands of crores of public money.
[Link: https://www.israelnationalnews.com/news/326734**]**

6.7. Despite having knowledge of death-causing side effects. Justice Chandrachud was duty bound to not to force people to get vaccinated. But accused Justice Dr. D. Y. Chandrachud in many cased gave suggestions to the petitioner to get vaccinated.

6.8. Justice Dr. D. Y. Chandrachud dismissed many petitions by refusing to hear them on merit which is against the binding precedents of the Supreme Court and more particularly the judgment passed by a bench where he himself was a Judge.

In his own judgment in the matter of **Distribution of Essential Supplies & Services during Pandemic, In re, (2021) 7 SCC 772**it is ruled as under;

> ***"17.*** *The Supreme Court of United States, speaking in the wake of the present COVID-19 Pandemic in various instances, has overruled policies by observing, inter alia, that "Members of this Court are not public health experts, and we should respect the judgment of those with special expertise and responsibility in this area. But even in a pandemic, the Constitution cannot be put away and forgotten" [Roman Catholic Diocese of Brooklyn v. Cuomo, 2020 SCC OnLine US SC 9 : 141 S Ct 63 : 592 US ....(2020)] and "a public health emergency does not give Governors and other public officials carte blanche to disregard the Constitution for as long as the medical problem persists. As more medical and scientific evidence becomes available, and as States have time to craft policies in light of that evidence, courts should expect policies that more carefully account for constitutional rights" [Calvary Chapel Dayton Valley v. Sisolak, 2020 SCC OnLine US SC 10 : 140 S Ct 2603 (2020) (Mem) (Justice Alito Dissenting Opinion)] .*

> ***18.*** *Similarly, the courts across the globe have responded to constitutional challenges to executive policies that have directly or indirectly violated rights and liberties of citizens. Courts have often reiterated the expertise of the executive in managing a public health crisis, but have also warned against arbitrary and irrational policies being excused in the garb of the "wide latitude" to the executive that is necessitated to battle a pandemic. This Court in Gujarat Mazdoor Sabha v. State of Gujarat [Gujarat Mazdoor Sabha v. State of Gujarat, (2020) 10 SCC 459, para 11 : (2021) 1 SCC (L&S) 38] , albeit while speaking in the context of labour rights, had noted that policies to counteract a pandemic must continue to be evaluated from a threshold of proportionality to determine if they, inter alia, have a rational connection with the object that is sought to be achieved and are necessary to achieve them."*

6.9. Similarly in the case of **Common Cause Vs. Union of India (2018) 5 SCC 1,** a Constitution Bench consisted with Justice Chandrachud as a Judge has ruled that no person can be compelled to take any medicine against his wish. No authority can ask anyone to give reasons for not taking any treatments

It is ruled as under

> ***"517.*** *The entitlement of each individual to a dignified existence necessitates constitutional recognition of the principle that an individual possessed of a free and competent mental state is entitled to decide whether or not to accept medical treatment. The right of such an individual to refuse medical treatment is unconditional.* ***Neither the law nor the Constitution compel an individual who is competent and able to take decisions, to disclose the reasons for refusing medical treatment nor is such a refusal subject to the supervisory control of an outside entity."***

6.10. The abovesaid law is again followed in the case of **Jacob Pulliyel Vs Union of India 2022 SCC OnLine SC 533**, while quashing the vaccine mandates it is ruled as under;

> ***"25.*** *There can be no ambiguity in the principles of law relating to judicial review laid down by this Court. A perusal of the judgments referred to above would clearly show that this Court would be slow in interfering with matters of policy, especially those connected to public health. There is also no doubt that wide latitude is given to executive opinion which is based on expert advice. However, it does not mean that this Court will not look into cases where violation of fundamental rights is involved and the decision of the executive is manifestly arbitrary or unreasonable. It is true that this Court lacks the expertise to arrive at conclusions from divergent opinions of scientific issues but that does not prevent this Court from examining the issues raised in this Writ Petition, especially those that concern violation of Article 21 of the Constitution of India."*

6.11. The accused No.1 Justice D.Y. Chandrchud acted in deliberate disregard and defiance of the abovesaid settled and binding position of law and rejected many petitions at the outset. The details of the said unlawful acts are given in the following paras;

4.11.1. On **26th November 2021**, accused Judge D.Y. Chandrachud, wh e hearing a case related with vaccine surveillance, has made the following false remarks.

> ***"COVID vaccination has huge merits; even WHO says so: Supreme Court***
>
> *A Bench of Justices DY Chandrachud and AS Bopannasaid that* ***the top court will not make observations or pass orders which could send a signal casting doubt on COVID vaccination and its efficacy.***
>
> *A Bench of Justices* ***DY Chandrachud*** *and* ***AS Bopanna*** *said that the top court will not make observations or pass orders which*

could send a signalcasting doubt on COVID vaccination and its efficacy.

"There are huge merits of vaccination. Even WHO saysso. We don't want to send a signal casting doubt on vaccinations," the Court remarked."

Link: https://www.barandbench.com/news/covid-vaccination-has-huge- merits-even-who-says-so-supreme-court

6.12. On **10th September, 2021**, accused Judge D.Y. Chandrachud, while rejecting the petition **asked the lawyer for Petitioner to advise his client toget vaccinated as soon as possible.**

Link: https://www.hindustantimes.com/india-news/cant-order-use-of-red-ant-chutney-as-covid-cure-take-jab-sc-101631211181223.html

"How can we ask the entire country to use a chutney as cure for Covid-19?" the bench, headed by Justice Dhananjaya Y Chandrachud asked the lawyer, appearing for Odisha-based engineer and researcher Nayadhar Padhial who had petitioned the court.

A red ant chutney (sauce) that once made it to British celebrity chef Gordon Ramsay's menu, drew the attention of the Supreme Court on Thursday as it heard a petition seeking that the delicacy be mandated as a remedy for Covid-19.

"How can we ask the entire country to use a chutney as cure for Covid-19?" the bench, headed by Justice Dhananjaya Y Chandrachud asked the lawyer, appearing for Odisha-based engineer and researcher Nayadhar Padhial who had petitioned the court.

"If you want to use it, use it. Nobody is stopping you but we, as a constitutional court, cannot ask people to start eating red ant chutney for treatment of Covid-19," the bench, which also included justices Vikram Nath and Hima Kohli, added.

There is no scientific evidence that red ant chutney can protect people against Covid-19.

On his part, advocate Anirudh Sanganeria pointed out that the efficacy of the red ant chutney for boosting the immune system of a body has been established through it use for several centuries, besides being corroborated through articles in peer-reviewed journals.

Sanganeria argued that ministry of AYUSH and CSIR refused to entertain his client's request without referring the matter to a body of experts that could examine the claims through scientific methods.

But the top court remained unimpressed, as it remarked that many people use various traditional methods of curing several diseases but that these do not translate into an order of a constitutional court.

"We cannot pass such directions. Your representations were also considered by the ministry of AYUSH and CSIR before they rejected it," said the bench.

In the end, Justice Chandrachud asked the lawyer to advise his client to get vaccinated as soon as possible and not rely only on the chutney.

"Ask your client to get vaccinated," said the judge. Sanganeria responded: "Yes my lords. He has already got the double dose of vaccine. He is also planning to get a booster shot."

Tribal belts in several states, including Odisha and Chhattisgarh, consume red ant chutney or use it in a soup to cure flu, coughs,

common cold, breathing difficulties, fatigue and other diseases. The chutney is primarily a mixture of red ants and green chilies.

Ramsay, who was travelling across India for a documentary on Indian food in 2010, stumbled upon the red ant chutney during his visit to Chhatisgarh. In 2018, he included this chutney in his documentary on international food.

Padhial, who is a resident of Baripada, said he belongs to a tribal community, Bathudi which has been using the red ant chutney effectively to boost the immune system. According to Padhial, the chutney contains formic acid, protein, calcium, Vitamin B12, Zinc and iron that boost the immune system.

He initially approached the Odisha high court last year for examining the chutney's efficacy as a remedy against Covid-19.

In December 2020, the high court asked the directors general of Ayush ministry and Council of Scientific and Industrial Research (CSIR) to rule on Padhial's representations within three months.

Both the bodies rejected the representations, compelling Padhial to go back to the high court again in April this year. However, this time over, the high court also refused to entertain the plea and Padhial approached the Supreme Court.

6.13. On **25th October 2021,** accused Judge D.Y. Chandrachud refused to entertain the SLP by taking a stand as under;

"A bench of Justices DY Chandrachud and BV Nagarathna refused to entertain the plea challenging the May 26 order of Karnataka High Court dismissingthe plea of an ex-serviceman Mathew Thomas.

The bench said, "The High Court is right in dismissingthe plea. ***Let us not cast doubt on the vaccination process. It is a key to protecting the population. We don't want the petition to be***

<u>argued at all. Evenissuing notice on this appeal will be subject to great mischief.”</u>

Link: https://economictimes.indiatimes.com/news/india/supreme-court-dismisses-plea-to-stop-mass-covid-19-vaccination-programme/articleshow/87261877.cms

6.14. The mindset of accused Judge **D.Y. Chandrachud** from various interactions with the counsel for the parties in all above said cases is summarized as:

i) Vaccines are completely safe and any argument or court actions, which creates hesitancy in the mind of public about vaccines is to be avoided. Even if it has an effect of violation of fundamental rights of crores of Indians and causing deaths of thousands of people dueto side effects of vaccines.

ii) Vaccine is the only solution to deal with the covid-19 infection. There is no other solution. If there is any better solution then also he i.e. accused Judge D.Y. Chandrachud, will not hear it at all.

6.15. Because of the said wrong perception and misunderstandings, accused Judge D.Y. Chandrachud refused to pass an order in the followingcases:

(i) <u>Nayadhar Padhial Vs. UOI, Special Leave to Appeal (C) No(s). 8601/2021.</u>

(ii) <u>Mathew Thomas Vs. The Government of India, Special Leave to Appeal (C) No.15830/2021.</u>

6.16. That, accused Judge D.Y. Chandrachud acted against the constitutional mandate while discouraging the citizen’s right to raise a petition and expose the malpractices of the Government authority and pharma mafia, which is fundamental duty of every citizen as enshrined under Article 51(A) of the Constitution of India.

6.17. That, accused Judge D.Y. Chandrachud committed wilful disregard, defiance and contempt of Hon’ble Supreme Court and our Constitution. He also acted against the

Universal Declaration on Bioethics and Human Rights, 2005 (UDBHR). It mandates for promoting opportunities for informed pluralistic public debate, seeking the expression of all relevant opinions.

> ***"Article 18 – Decision-making and addressing bioethicalissues***
>
> *1. Professionalism, honesty, integrity and transparency in decision-making should be promoted, in particular declarations of all conflicts of interest and appropriate sharing of knowledge. Every endeavour should be made to use the best available scientific knowledge and methodology in addressing and periodically reviewingbioethical issues.*
>
> *2. Persons and professionals concerned and society as a whole should be engaged in dialogue on a regular basis.*
>
> *3. Opportunities for informed pluralistic public debate, seeking the expression of all relevant opinions, should be promoted."*

6.18. Double Standard of that, accused Judge D.Y. Chandrachud can be ex facie seen from the very facts that, on one side telling the India's public that **"the Government hides data, gives false information on covid-19 pandemic and intellectual citizen of the country should bring the truth."**

Link:https://www.newindianexpress.com/thesundaystandard/2021/aug/29/state-can-spread-lies-but-citizens-must-be-vigilantsupreme-court- justice-dy-chandrachud-2351171.html

> ***"Supreme Court Judge Hon'ble Justice Dr. D. Y. Chandrachud on 29th August, 2021 said that the Stateofficer can spread lies, but citizens must be vigilant. Public intellectuals have a duty to expose lies of the state.*** *Emphasizing the need for truth in a democracy, he said the state can indulge in falsehood and it was theduty of citizens to strengthen public institutions and question the state to determine the truth. In the contextof the Covid-19*

pandemic, we see that there is an increasing trend of countries across the world trying tomanipulate data. Hence, one cannot only rely on the state to determine the truth"

However, on the other hand, accused Judge D.Y. Chandrachud, himself is discouraging the people who are performing their duties and acting by believing his advice. This is double standard on the part of accused Judge D.Y. Chandrachud. It is also unbecoming of a Judge of Supreme Court orany Court of Law.

6.18. Hon'ble Supreme Court in the case of **Amar Pal Singh Vs. State ofU.P. (2012) 6 SCC 491,** has ruled that the Judge who applies the law is only called as **'Vidvana'**. Others are **'Intellectually Dishonest Judges'**. Itis ruled as under;

"20. *Every judge has to remind himself about the aforesaid principles and religiously adhere to them. Inthis regard it would not be out of place to sit in the timemachine and dwell upon the sagacious saying of an eminent author who has said that* ***there is a distinctionbetween a man who has command over 'Shastras' and the other who knows it and puts into practice. He who practises them can alone be called a 'vidvan'.*** *Thoughit was told in a different context yet the said principle can be taken recourse to, for one may know or be aware of that use of intemperate language should be avoided in judgments but while penning the same the control over the language is forgotten and acquired knowledgeis not applied to the arena of practice. Or to put it differently the knowledge stands still and not verbalisedinto action. Therefore, a committed comprehensive endeavour has to be made to put the concept to practiceso that it is concretised and fructified and the litigationsof the present nature are avoided."*

6.19. In addition to the acts of dismissing the above said petitions, accused Judge D.Y. Chandrachud in the case of **Gaurav Kumar Bansal Vs. Mr. Dinesh Kumar, Contempt Petition (C) No. 1653 of 2018** in **Writ Petition (C) No. 412 of 2016**,

have passed an unlawful and unconstitutional order on **01.09.2021** and **06.07.2021** **directing mandatory vaccinationof all Health workers staff of mental clinic**.

6.20. The prejudices, misinformation, illegality, unlawfulness, unconstitutionality and the criminal offences already committed and being committed by accused Judge D.Y. Chandrachud are capulized in following paras.

6.21. That, Covid-19 Vaccines are not safe and having death causing side effectsand therefore 18 European countries banned the use of CoviShield (AstraZeneca):

6.21.1. That, the misinformation which is being spread by the vaccine companies in connivance with the senior officials of the task force and WHO was that the vaccines are completely safe.

Link:- **(i)** https://www.ndtv.com/india-news/oxford-covid-19-vaccine-bharat-biotechs-covaxin-get-final-approval-by-drug-regulator-will-be- indias-first-vaccines-2347053

> "*Drug Controller General of India VG Somani said*,. ***"We'll never approve anything if there is slightest of safety concern. The vaccines are 110 per cent safe".***
>
> **(ii)** https://fb.watch/7u26q6CL59/

6.21.2. The falsity of above narrative is ex-facie clear from the very fact that the 18 European countries has banned the use of Covishield due to itsdeath causing side effects.

Link: https://timesofindia.indiatimes.com/life-style/health-fitness/health-news/covishield-coronavirus-vaccine-with-covishield-astrazeneca-

banned-in-some-countries-should-we-be-worried-about-its-safety/photostory/83398722.cms

Link: https://www.theguardian.com/society/2021/apr/08/spain-belgium-and-italy-restrict-astrazeneca-covid-vaccine-to-older-people

Link: https://www.aljazeera.com/news/2021/3/15/which-countries-have-halted-use-of-astrazenecas-covid-vaccine

6.21.3. In India there are around 9,700 reported deaths caused due to sideeffects of vaccines.

Link:https://drive.google.com/file/d/1uikc1a6_KDzUx7HNLrfwaI1NJRt0D_YP/view?usp=sharing

6.21.4. There are many cases but, I would like to cite only one example of **Dr. Snehal Lunawat, where Government of India's AEFI Committee issued certificate that her death was due to side effects of covishield**. Hon'ble Bombay High Court took cognizance of the Writ Petition filed by father Dilip Lunawat. Notice are issued.

In a similar case of vaccine murder of two children, Supreme Court on **29.08.2022** took serious cognizance and issued notice to Central Government.

https://indianbarassociation.in/wp-content/uploads/2022/09/Order_29-Aug-2022-Rachana-Gangu-Vs.-Union-of-India.pdf

In another case of vaccine death of a school girl Nova Sabu, the Kerala High Court also took cognizance and asked the central Government to file a reply.

News link : https://www.livelaw.in/news-updates/19-year-old-dies-post-covishield-vaccination-kerala-high-court-seeks-centres-response-on-parents-plea 196742?infinitescroll=1

On **10.08.2022**, Kerala High Court in the case of **Sayeeda Vs Union of India in WP (C) No. 17628 of 2022** has issued directions to the Central Government to immediately formulate guidelines for giving compensation to the victims of deaths or other side effects of vaccines.

Order Link: https://drive.google.com/file/d/1APHixFHhQTGXwzc29CS2g5V7y1Z_-IUH/view?usp=sharing

On **August 10 2022,** the central government submitted before Kerala High Court that they are in process of formulating policies to provide monetary compensation to victims of side effects of these vaccines.

The matter came before Kerala High Court. The Court observed;

> **"This is a national calamity which we faced. Of course, I do understand the case is very genuine and it has to be dealt with. As far as the Central government is concerned, similar issues are cropping up in other states also. There has to be an effort to formulate a proper guideline, a proper scheme for compensating these persons and that is being done. Let them bring on record what steps have been taken so that I can pass a reasoned and considered order, rather than an order in a vacuum. It is not a laughing matter, I consider it to be very serious",** he orally observed."
>
> The Court acknowledged the seriousness of the petitioners' submission that the process has to be hastened since the family members of the victims are facing extreme difficulties consequent to the death of the earning member of the family.
>
> **"I find the apprehension expressed by the learned counsel to be well founded. The situation requires urgent action on the part of the National Disaster Management Authority",** the Court said in its order.".

On 1st September, 2022, the Kerala High Court in **Sayeeda Vs Union of India in WP (C) No. 17628 of 2022** has passed following order;

> "The documents on record prima facie shows that the petitioner's husband died due to adverse events following immunization. This writ petition is filed seeking the following reliefs;
>
> "i) Set aside Exhibit P9 issued by the 5th respondent in response to Exhibit P8.

ii) Issue a writ in the nature of mandamus or any other writ, direction or order directing the respondents to grant ex gratia compensation offered to families of deceased who have succumbed to Covid 19 to the petitioner and her children."

2. When the matter was taken up on previous occasion, learned ASG was directed to get instructions as to whether the Government of India has formulated any policy for compensating the victims of adverse events, following Covid-19 vaccination. Learned ASG submitted that no such policy has so far been formulated.

3. Sitting in this jurisdiction, I have come across at least three cases where pleadings are to the effect that the person who had undergone Covid-19 immunization vaccination had succumbed to the after effects of vaccination. Therefore, even if the numbers are very few, there are instances where persons are suspected to have succumbed to the after effects of immunization. In such circumstances, respondents 2 and 8 are bound to formulate a policy for identifying such cases and compensating the dependants of the victim. The second respondent is hence directed to formulate policy/ guidelines for identifying cases of death due to the after effects of Covid-19 vaccination and for compensating the dependants of the victim. The needful in this regard shall be done as expeditiously as possible and at any rate, within three months.

Post after three months."

Needless to mention here that, the CoviShield's manufacturing company i.e. Serum Institute was also spreading the similar misinformation as being spread by Justice Chandrachud. The CoviShield's manufacturing company SerumInstitute, keep on saying

that their vaccine does not cause any such side effects. But their narratives are proven to be false from the abovesaid evidences. They were also rejected by the AEFI committee.

6.21.5. WHO also issued a warning about the side effects of the CoviShield vaccine? :-

Link: https://www.who.int/news/item/26-07-2021-statement-of-the-who- gacvs-covid-19-subcommittee-on-gbs

6.21.6. Dr. Tess Lawrie, UK has lodged a police complaint through aretired police officer.

Link: https://dailyexpose.co.uk/2021/06/24/crimes-against-humanity-uk-government-release-21st-report-on-adverse-reactions-to-the-covid- vaccines/

Dr. Tess Lawrie, presented evidence of the following various side-effectsin her written representation and demanded that the vaccine be stopped immediately. The side-affects mentioned in the letter written by Dr. Tess Lawrie is as follows:

> *"Bleeding, clotting, ischaemic, re-activation of latent viruses,Herpes Zoster or shingles, Herpes Simplex, Rabies, Guillain-Barré Syndrome, Crohn's and non-infective colitis, Multiple Sclerosis, pain, -algia, arthralgias (joint pains), myalgias (muscle pains), fibromyalgia, (a long-term condition that causes pain all over the body), Paroxysmal, Extreme Pain Disorder, abdominal pain, eye pain, chest pain, pain in extremities, Headaches were reported more than 90,000 times and were associated with death in four people.*
>
> ***Nervous System Disorders***
>
> *Twenty-one percent (185,474) of ADRs were categorized as Nervous System Disorders, Seizures, paralysis, including Bell's palsy, encephalopathy, dementia, ataxia, spinal muscular atrophy, Parkinson's and delirium.*

Adverse Drug Reactions involving loss of sight, hearing, speech or smell *Visual impairment including blindness, speech impairment, taste impairment, olfactory impairment, hearing impairment.*

High number of Pregnancy ADRs, maternal death, stillbirths,newborn death, spontaneous abortions."

Link: https://dailyexpose.co.uk/2021/06/24/crimes-against-humanity-uk-government-release-21st-report-on-adverse- reactions-to-the-covid-vaccines/

6.22. The lack of knowledge on the part of accused Judge D. Y. Chandrachud about the 81 Research proving that Natural Immunity developed due to covid-19 infection is 13 times better, more robust andlong lasting than the vaccine immunity.

Research also proved that, giving vaccines to such person with NaturalImmunity will cause damage to their health and will also cause loss ofthousands of crores to public exchequer and wrongful profit to vaccinecompanies.

Link:
https://www.researchgate.net/publication/362182150_Persistent_Health_Issues_Adverse_Events_and_Effectiveness_of_Vaccines_during_the_Second_Wave_of_COVID-19_A_Cohort_Study_from_a_Tertiary_Hospital_in_North_India

6.23. The research data shows that the persons with natural immunity cannot get re-infection and they cannot spread infection. The vaccinated people can spread infection they can die due to Covid infection.

Dr. Sanjay K. Rai, President of Indian Public Health Association (IPHA) and Processor at Department of Community Medicine at AIIMS, Delhi in his interview at

Link: https://www.youtube.com/watch?v=btDk0eSi5U

He made it clear that,

"the best protection and possibly life time immunity only comes from

Natural immunity/natural infection i.e. those whohave recovered from COVID-19. He further stated that death due to Covid-19, among those who acquired Natural Immunity is nearly zero and possibility of re-infection is rare.Further those vaccines could cause harm or result in adverse effects if administered to those who have already acquired natural immunity and are also non-susceptible.

(A copy of excerpt of comments of Dr. Sanjay K Rai, Proffessor at Department of community Medicine at AIIMS, Delhi in conversation with Girijesh Vashistha of Knocking News is annexed as Annexure …"

6.24. The Brownstone Institute lists 81 of the highest-quality, complete, most robust scientific studies and evidence reports/position statements on natural immunity as compared to the COVID-19 vaccine-induced immunity.

Link: https://childrenshealthdefense.org/defender/research-natural- immunity-covid-brownstone-institute/

6.25. Study shows that, giving vaccines to the person with previous Covid-19 infection is causing more harm than the disease itself.

6.25.1. Most recently, researchers in Israel reported that, the fully vaccinated persons are up to 13 times more likely to get infected than those who havehad a natural COVID infection.

"As explained by Science Mag: The study 'found in two analyses that people who were vaccinated in January and February were, inJune, July and the first half of August, six to 13 times more likely toget infected than unvaccinated people who were previously infectedwith the coronavirus "In one analysis, comparing more than 32,000 people in the healthsystem, the risk of developing symptomatic COVID-19 was 27 timeshigher among the vaccinated, and the risk of hospitalization eight times higher.'

"The study also said that, while vaccinated persons who also had natural infection did appear to have additional protection against the Delta variant, the vaccinated were still at a greater risk for COVID-19-related-hospitalizations compared to those without the vaccine, but who were previously infected.

"Vaccines who hadn't had a natural infection also had a 5.96-fold increased risk for breakthrough infection and a 7.13-fold increasedrisk for symptomatic disease.

"This study demonstrated that natural immunity confers longer lasting and stronger protection against infection, symptomatic disease and hospitalization caused by the Delta variant of SARS- CoV-2, compared to the BNT162b2 two-dose vaccine-induced immunity,' study authors said.

Link: https://www.medrxiv.org/content/10.1101/2021.08.24.21262415v1

6.26. Giving vaccines to persons with allergies to vaccine ingredients and previous infection is having death causing serious side effects:

6.26.1. Even the vaccine manufacturing companies have given the list of theperson prohibited from taking vaccines.

6.26.2. That Union of India in their Affidavit has confirmed that the person with allergic are advised to not to take vaccines. But accused judge Dr. D. Y. Chandrachud Straightway gave forceful suggestive orders to many petitioners to get vaccinated and put their life into trouble.

Hence he is guilty of offences under section 166,52,109,115,304,302,304A, etc. of Indian Penal Code.

6.27. . Vaccinated people are at higher risk: -

6.27.1. "A majority of gravely ill patients in Israel are double vaccinated. Amajority of deaths over 50 in England are also double vaccinated. **[Exhibit]**

Link: https://www.science.org/content/article/grim-warning-israel- vaccination-blunts-does-not-defeat-delta

6.27.2. A study published Sept. 30, in the peer-reviewed European Journal of Epidemiology Vaccines found "no discernible relationship" between thepercentage of population fully vaccinated and new COVID cases.

In fact, the study found the most fully vaccinated nations had the highest number of new COVID cases, based on the researchers' analysis ofemerging data during a seven-day period in September.

The authors said the sole reliance on vaccination as a primary strategy to mitigate COVID-19 and its adverse consequences "needs to be re- examined," especially considering the Delta (B.1.617.2) variant and the likelihood of future variants.

They wrote:

> *"Other pharmacological and non-pharmacological interventions may need to be put in place alongside increasing vaccination rates. Such course correction, especially with regards to the policy narrative, becomes paramount withemerging scientific evidence on real-world effectiveness of the vaccines."*
>
> *As part of the study, researchers investigated the relationship between the percentage of population fully vaccinated and new COVID cases across 68 countries and 2,947 U.S.counties that had second dose vaccine, and available COVIDcase data.*

Link: https://link.springer.com/article/10.1007/s10654-021-00808-7

6.27.3. A paper published Sept. 30 in Euro surveillance raises questionsabout the legitimacy of "vaccine-generated herd immunity."

The study cites a COVID outbreak which spread rapidly among hospital staff at an Israeli Medical Center — despite a 96% vaccination rate, use ofN-95 surgical masks by patients and full personal protective equipment worn by providers.

The calculated rate of infection among all exposed patients and staff was 10.6% (16/151) for staff and 23.7% (23/97) for patients, in a population with a 96.2% vaccination rate (238 vaccinated/248 exposed individuals).

The paper noted several transmissions likely occurred between two individuals both wearing surgical masks, and in one instance using full PPE, including N-95 mask, face shield, gown and gloves.

Link: https://www.eurosurveillance.org/content/10.2807/1560 7917.ES.2021.26.39.2100822

6.28. Cases where vaccine causing more harm than the disease itself:

6.28.1. Healthy boys may be more likely to be admitted to the hospital with heart inflammation from the Pfizer-BioNTech COVID vaccine than with COVID itself, according to a new pre-print study.

U.S. researchers found boys between the ages of 12 and 15, with no underlying medical conditions, were four to six times more likely to be diagnosed with vaccine -related myocarditis than they were to behospitalized with COVID.

Link: https://www.medrxiv.org/content/10.1101/2021.08.30.21262866v1

6.29. Many countries banned the use of Covi- Shield vaccines due to its side effects: **11** European countries banned the use of (Covishield)vaccines for deaths of their citizens due to side effects of Said Vaccine.

Link: https://www.aljazeera.com/news/2021/3/15/which-countries- have-halted-use-of-astrazenecas-covid-vaccine

6.30. Majority of Hospitalizations Are Actually in the Vaccinated

The oft-repeated refrain is that we're in a "pandemic of the unvaccinated,"meaning those who have not received the COVID jab make up the bulk ofthose hospitalized and dying from the Delta variant. However, we're already seeing a shift in hospitalization rates from the unvaccinated to those who have gotten one or two injections.

For example, in Israel, the fully "vaccinated" made up the bulk of serious cases and COVID-related deaths in July 2021, as illustrated in the graphs below. The red is unvaccinated, yellow refers to partially "vaccinated" andgreen fully "vaccinated" with two doses. By mid-August, 59% of serious cases were among those who had received two COVID injections.

Data from the U.K. show a similar trend among those over the age of 50. In this age group, partially and fully "vaccinated" people account for 68%of hospitalizations and 70% of COVID deaths.

Link: 1. https://cdn.altnews.org/wp-content/uploads/2021/08/new-hospitalizations-thumb.jpg

2. https://cdn.nexusnewsfeed.com/images/2021/8/new-severe-covid-19-patients-thumb-1631973102161.png

3. https://cdn.nexusnewsfeed.com/images/2021/8/deaths-trend-thumb-1631973112475.png

4. https://cdn.nexusnewsfeed.com/images/2021/8/covid-19-delta-variant-hospital-admission-and-death-in-england-1631973123881.png

5. https://www.science.org/content/article/grim-warning-israel-vaccination-blunts-does-not-defeat-delta

6. https://www.standard.co.uk/news/uk/england-delta-donald-trump-government-public-health-england-b951620.html

7. https://timesofindia.indiatimes.com/city/guwahati/assam-80-covid-19-infections-among-vaccinated-in-guwahati/articleshow/86791235.cms

6.31. In Bangalore more than 56% of hospitalization of covid positivepatient are vaccinated.

Link: https://www.deccanherald.com/amp/state/top-karnataka-stories/more-than-half-of-hospitalised-covid-19-cases-among-vaccinated-in-bengaluru1015918.html?twitter_impression=true&s=04%5C

> ***"Source Name: Deccan Herald***
> ***Date:03.08.2021***
>
> ***More than half of hospitalised Covid-19 cases among vaccinated in Bengaluru***
>
> *These hospitalisations are indicative of the extent of vaccine penetration in the public, explained BBMP Chief Commissioner, Gaurav Gupta"*

6.32. Over 50% new COVID-19 cases, deaths in Kerala from vaccinated section.

Link:- https://www.onmanorama.com/news/kerala/2021/10/12/kerala-covid-cases-deaths -among-vaccinated.html

6.33. In K.E.M Hospital 27 out of 29 Covid-19 positive patients werevaccinated. [Around 93%]

Link: https://www.freepressjournal.in/mumbai/mumbai-29-mbbs- students-at-kem-hospital-test-positive-for-covid-19-27-were-fully- vaccinated

> ***"29 MBBS students at KEM hospital test positive for COVID-19, 27 were fully vaccinated***
>
> ***SOURCE:- FREE PRESS JOURNAL"***

6.34. In Nagpur 13 people tested positive for the virus out of which 12were already vaccinated.".

Link:- https://www.freepressjournal.in/mumbai/covid-19-third-wave-has-entered-nagpur-guardian-minister-nitin-raut-urges-people-to-avoid-crowding

"Source:- *Free Press Journal.*

Date:- *Monday, September 06, 2021, 11:02 PM IST*

Relevant Important Para to be taken;

The district guardian minister, Dr Nitin Raut, told the Free Press Journal after a review meeting, ''The third wave has started in Nagpur, which is reporting a rise in positive cases for the last few days. Notably, on Monday, 13 people tested positive for the virus out of which 12 were already vaccinated."

6.35. Covishield unable to halt breakthrough Delta infections: Study Fresh evidence on Covishield's inability to halt "breakthroughinfections" caused by the Delta variant of SARS-CoV-2 in fullyvaccinated individuals emerged on Sunday with a group of Indianresearchers reporting an unexpectedly large proportion of Covid-19infections among the vaccine recipients.

https://www.medrxiv.org/content/10.1101/2021.02.28.21252621v4
https://www.deccanherald.com/science-and-environment/covishield-unable-to-halt-breakthrough-delta-infections-study-1024960.html

6.35.1 Half of India's 87k breakthrough Covid cases in Kerala Contributing over half of the new Covid positive cases in the country, the state has also accounted for half of the breakthrough infections reported till date.

https://www.newindianexpress.com/states/kerala/2021/aug/20/half-of- indias-87k-breakthrough-covid-cases-in-kerala-2347145.html

6.35.2. Nearly 80% (91 out of 114) Covid-19 cases reported from Sept 1 tillOct 23 in Lucknow were of breakthrough infections, according to data accessed by TOI from the office of Chief Medical Officers.

http://timesofindia.indiatimes.com/articleshow/87277252.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

6.35. Vaccines don't stop transmission, admitted by WHO

At a virtual press conference held by the World Health Organization onDec.28, 2020,officials warned there is no guarantee COVID-19vaccines will prevent people from being infected with the SARS-CoV-2virus and transmitting it to other people.

https://www.who.int/emergencies/diseases/novel-coronavirus-2019/media-resources/press-briefings

6.36. <u>Judge's duty to respect dissenting view and see 'what is right'and not to see 'who is right'</u>:-

6.36.1. That, if accused Judge D.Y. Chandrachud and his associate Judges i.e. Co-accused Judges were misinformed due to the **'false narratives'** and**'conspiracy theories'** then the fair hearing with open mind of the dissenting views would have made a lot of difference and many lives couldhave been saved.

But accused Judge D.Y. Chandrachud apart from his underhand dealing with vaccine mafia, also he acted with the understanding that only they are correct and brilliant and all others are wrong, fools etc.

This is a breach of the oath taken as a Supreme Court Judge, which mandates to do justice without fear or favor, malice or ill will. It is unbecoming of a Judge.

6.36.2. The acts of accused Judge D.Y Chandrachud and others in passingorders or taking stand in a caviliar fashion or acting carelessly and to put the life of Crores of people in danger and let them die, and also to cause a loss of thousands of Crores of public money to give wrongful benefit to vaccine companies is an offence under section 52 of IPC.

Section 52 of Indian Penal Code;

> ***"52. "Good faith".—****Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention."*

In **Noor Mohamed Mohd. Shah R. Patel Vs. Nadirshah Ismailshah Patel 2003 SCC OnLine Bom 1233,** it is ruled as under;

> *"It has to be kept in mind that nothing can be said to be done in good faith which is not done with due care and caution. If these ingredients are indicated by the complaint, the Magistrate is obliged to take the cognizance of the complaint so presented before him unless there are the other grounds for acting otherwise which has to be justified by reasons recorded in writing."*

6.36.3. This is also an offence of **"Fraud on Power "** as explained by theHon'ble Three Judge Bench in the case of **Vijay Shekhar Vs. Union Of India (2004)4 SCC 666**, where it is ruled as under;

> ***"****(9.) This Court in Express Newspapers Pvt. Ltd. and Ors. v. Union of India and Ors.1 at has held thus :*
>
> *"Fraud on power voids the order if it is not exercised bona fide for the end design. There is a distinction between exercise of power in good faith and misuse in bad faith. The former arises when an authority misusesits power in breach of law, say, by taking into account bona fide, and with best of intentions, some extraneous matters or by ignoring relevant matters. That would render the impugned act or order ultra vires. It would be a case of fraud on powers. The misuse in bad faith arises when the power is exercised for an*

improper motive, say, to satisfy a private or personal grudge or for wreaking vengeance of a Minister as in S. Pratap Singh v. State of Punjab, (1964) 4 SCR 733 A power is exercised maliciously if its repository is motivated by personal animosity towards those who are directlyaffected by its exercise. Use of a power for an 'alien' purpose other than the one for which the power is conferred is mala fide use of that power. Same is the position when an order is made for a purpose other than that which finds place in the order. The ulterior or alien purpose clearly speaks of the misuse of the power and it was observed as early as in 1904 by Lord Lindley in General Assembly of Free Church of Scotland v. Overtown, 1904 AC 515, 'that there is a condition implied in this as well as in other instruments which create powers, namely, that the power shall be used bona fide for the purpose for which they are conferred'. It was said by Warrngton, C.J. in Short v. Poole Corporation, (1926) 1 Ch 66 that: "No public body can be regarded as having statutory authority to act in bad faith or from corrupt motives, and any action purporting to be of that body, but proved to be committed in bad faith or from corrupt motives, wouldcertainly be held to be inoperative." In Lazarus EstatesLtd. V. Beasley, (1956) 2 QB 702 at Pp. 712-13 Lord Denning, LJ. said : "No judgment of a court, no order of minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything." (emphasis supplied) See also, in Lazarus case at p. 722 per Lord Parker, C.J. : "'Fraud' vitiates all transactions known to the law of however high a degree

of 527 solemnity." All these three English decisions have been cited with approval by this Court in Pratap Singh's case."

(10.) Similar is the view taken by this Court in the case of Ram Chandra Singh v. Savitri Devi and Ors.1 wherein this Court speaking through one of us (Sinha, J.) held thus :

"Fraud as is well known vitiates every solemn act. Fraud and justice never dwell together. Fraud is a conduct either by letter or words, which induces the other person or authority to take a definite determinative stand as a response to the conduct of the former either by word or letter. It is also well settled that misrepresentation itself amounts to fraud. Indeed, innocent misrepresentation may also give reason to claim relief against fraud. A fraudulent misrepresentation is called deceit and consists in leading a man into damage by wilfully or recklessly causing him to believe and act on falsehood. It is a fraud in law if a party makes representations which heknows to be false, and injury ensues therefrom although the motive from which the representations proceeded may not have been bad. An act of fraud on court is always viewed seriously. A collusion or conspiracy with a view to deprive the rights of others in relation toa property would render the transaction void ab initio. Fraud and deception are synonymous. Although in a given case a deception may not amount to fraud, fraudis anathema to all equitable principles and any affair tainted with fraud cannot be perpetuated or saved by the application of any equitable doctrine

including resjudicata."

(11.) Thus, it is clear a fraudulent act even in judicial proceedings cannot be allowed to stand. ”

6.36.4. That, accused Judge D.Y. Chandrachud and co accused judges , while refusing to hear the concerned petitioners on merits and discouraging their Counsels/Lawyers also acted in contempt of Hon’ble Supreme Court’s judgment in the case of **Indirect Tax Practitioners Association Vs. R.K.Jain (2010) 8 SCC 281,** where it is ruled as under;

“25…Voltaire expressed a democrat's faith when he told, an adversary in arguments : "I do not agree with a word you say, but I will defend to the death your right to say it". *Champions of human freedom of thought and expression throughout the ages, have realised that intellectual paralysis creeps over a society which denies, in however subtle a form, due freedom of thought and expression to its members.”*

6.37. Judge cannot deny hearing to a person. Denying hearing isviolation of basic human rights and also contempt of Court:

6.37.1. A Full Bench in **National Human Rights Commission Vs. State MANU/2009/SC/0713,** had ruled as under;

‘‘Failure to accord fair hearing violates even minimum standards of due process of law. It is inherent in the concept of due process of law, that condemnation should be rendered only after the trial in which the hearing is a real one, not sham or a mere farce and pretence. Since the fair hearing requires an opportunity to preserve the process, it may be vitiated and violated by an over hasty stage- managed, tailored and partisan trial.

"In ***Zahira Habibullah Sheikh (5) and Anr. v. State of Gujarat and Ors. MANU/SC/1344/2006: 2006 CriLJ 1694*** *it was observed as under:*

If the court acts contrary to the role it is expected to play, it will be destruction of the fundamental edifice on which the justice delivery system stands. People for whose benefit the courts exist shall start doubting the efficacy of the system. "Justice must be rooted in confidence; and confidence is destroyed when right-minded people go away thinking: `The Judge was biased.

The perception may be wrong about the Judge's bias, but the Judge concerned must be careful to see thatno ***such impression gains ground. Judges likeCaesar's wife should be above suspicion.***

A criminal trial is a judicial examination of the issues in the case and its purpose is to arrive at a judgment on an issue as to a fact or relevant facts which may lead to the discovery of the fact in issue and obtain proof of such facts at which the prosecution and the accused have arrived by their pleadings; the controlling question being the guilt or innocence of the accused. Since the object is to mete out justice and to convict the guilty and protect the innocent, the trial should be a search for the truth and not about over technicalities, and must be conducted under such rules as will protect the innocent, and punish the guilty. The proof of charge which has to be beyond reasonable doubt must depend upon judicial evaluation of the totality of the evidence, oral and circumstantial, and not by an isolated

scrutiny.

The fair trial for a criminal offence consists not only in technical observance of the frame, and forms of law, but also in recognition and just application of its principles in substance, to find out the truth and prevent miscarriage of justice.

It was significantly said that law, to be just and fair has to be seen devoid of flaw. It has to keep the promise to justice and it cannot stay petrified and sit nonchalantly. 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 (see Jennison v. Baker). Increasingly, people are believing as observed by Salmon quoted by Diogenes Laertius in Lives of the Philosophers, "Laws are like spiders' webs: if some light or powerless thing falls into them, it is caught, but a bigger one can break through and get away." Jonathan Swift, in his "Essay on the Faculties of the Mind" said in similar lines: "Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through.

Right from the inception of the judicial system it has been accepted that discovery, vindication and establishment of truth are the main purposes underlying the existence of the courts of justice. The operative principles for a fair trial permeate the common law in both civil and criminal contexts. Application of these principles involves a delicate judicial balancing of competing interests in a criminal trial: the interests of the accused and the public and to a great extent that of the victim have to be weighed not

losing sight of the public interest involved in the prosecution of persons who commit offences.''

6.37.2. While protecting some anti national, 'anti-Indian Army' and pro- Chinese elements, accused Judge D.Y. Chandrachud, in his speech at Justice P.D. Desai, Memorial Lecture at Gujrat have delivered a lecture onrespecting dissent but while acting as a Judge acted against his own stand.**This is called as hypocrisy and double standard.**

6.38. Doing any act against law, while sitting on a Dias as a Judge anddoing something to help the vaccine syndicate is also an offence punishableunder section **166, 219, 218, 192, 193, 120(B), 34** etc. of IPC.

6.39. Offences done and violation of fundamental rights whilepassing order dated 01.09.2021 in **Gaurav Kumar Bansal's case Contempt Petition (C) No. 1653 of 2018 in Writ Petition (C) No. 412 of2016.**

6.39.1. That in the abovesaid case, accused Judge D.Y. Chandrachud, vide order dated **01.09.2021** give a blanket direction to the authorities thatall the staff of Health care institutes be vaccinated.

The relevant para read thus;

> ***"3…*** *All the States/Union Territories are directed to lay down a time schedule* ***for facilitating the vaccination of all persons who are lodged in mental health care institutions within a period of one month from the date of this order.***
>
> ***The vaccination of the inmates must also be coupled with vaccination of all the service providers as well ashealth care professionals and other staff associated with these institutions****. The progress shall be monitoredand details submitted to this Court when a status reportis next filed in pursuance of the directions contained inthis order."*

6.39.2. That, the earlier order dated **06.07.2021** passed by accused Judge D.Y. Chandrachud (**Coram:** Shri. Dr. Justice D.Y. Chandrachud, Mr. Justice M.R. Shah) reads thus;

> **"7**. *Mr. Gaurav Kumar Bansal, petitioner in person, has submitted and,* ***in our view, in justification, that the issue of testing, tracing and vaccinating those suffering from mental illness must be taken up on a priority. Persons who are***

institutionalized in mental health establishments need to be vaccinated so as to protect them."

6.39.3. The gross illegalities in the said directions are that the person with allergies to the contents of the vaccines or the person having natural immunity die to previous covid-19 infection also directed to be vaccinated. The discretion of consent or right to refuse treatment was taken away by the said order. This order have death causing side effects. It is an offence u/s **115, 52, 307, 304, 304-A, 166, 120(B), 34, 109**etc. of IPC.

6.39.4. This is also an offence of misappropriation of public resources and money to give wrongful profit to vaccine companies and it is an offence punishable u/s 409, 120(B) and 34 of IPC.

6.40. THE RISK AND POSSIBLE DEATH CAUSING SIDE – EFFECTS AND IMPACT DUE TO SUCH BLANKET DIRECTIONSOF VACCINATIONS OF STAFF WITHOUT THEIR CONSENT ORFREE WILL:

6.40.1. That, the abovesaid directions are illegal on two counts as they are;

(i) Violative of Constitutional protection granted to every citizen regarding their right to choose medication [**Common Cause v. Union of India, (2018) 5 SCC 1, Jacob Pulliyel vs Union of India 2022 SCC Online SC 533**];

(ii) The order is passed without hearing the people like parents, relatives of those suffering mental illness and all staff in the institution who arelikely to be affected by the decision. It is violation of **Audi - Alterim - Partem** rule.

6.40.2. CONSTITUTIONAL MANDATE

6.40.3. That, as per **Universal Declaration on Bioethics & HumanRights 2005** and as per **International Covenant on Civil & Political Rights** the person should not be subjected to any medication against his informed consent.

6.40.4. The relevant articles of **Universal Declaration on Bioethicsand Human Rights, 2005 (UDBHR)** are as under;

*"**Article 3 – Human dignity and human rights***

1. Human dignity, human rights and fundamental freedoms are to be fully respected.

2. The interests and welfare of the individual should have priority over the sole interest of science or society.

Article 6 – Consent

1. Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice.

2. Scientific research should only be carried out with the prior, free, express and informed consent of the person concerned. The information should be adequate, provided in a comprehensible form and should include modalities for withdrawal of consent. Consent may be withdrawn by the person concerned at any time and for any reason without any disadvantage or prejudice. Exceptions to this

principle should be made only in accordance with ethical and legal standards adopted by States, consistent with the principles and provisions set out in this Declaration, in particular in Article 27, and international human rights law.

3. In appropriate cases of research carried out on a group of persons or a community, additional agreement of the legal representatives of the group or community concerned may be sought. In no case should a collective community agreement or the consent of a community leader or other authority substitute for an individual's informed consent.

Article 7 – Persons without the capacity to consent

In accordance with domestic law, special protection is to be given to persons who do not have the capacity to consent:

(a) authorization for research and medical practice should be obtained in accordance with the best interest of the person concerned and in accordance with domestic law. However, the person concerned should be involved to the greatest extent possible in the decision-making process of consent, as well as that of withdrawing consent;

(b) research should only be carried out for his or her direct health benefit, subject to the authorization and the protective conditions prescribed by law, and if there is no research alternative of comparable effectiveness with research participants able to consent. Research which

does not have potential direct health benefit should only be undertaken by way of exception, with the utmost restraint, exposing the person only to a minimal risk and minimal burden and, if the research is expected to contribute to the health benefit of other persons in the same category, subject to the conditions prescribed by law and compatible with the protection of the individual's human rights. Refusal of such persons to take part in research should be respected.

Article 8 – Respect for human vulnerability and personal integrity

In applying and advancing scientific knowledge, medical practice and associated technologies, human vulnerability should be taken into account. Individuals and groups of special vulnerability should be protected and the personal integrity of such individuals respected.

Article 10 – Equality, justice and equity

The fundamental equality of all human beings in dignity and rights is to be respected so that they are treated justly and equitably.

Article 11 – Non-discrimination and non-stigmatization

No individual or group should be discriminated against or stigmatized on any grounds, in violation of human dignity, human rights and fundamental freedoms.

Article 16 – Protecting future generations

The impact of life sciences on future generations, including on their genetic constitution, should be given due regard.

Application of the principles

6.40.5. That, in a reply to RTI filed by Mr. Tarun, dated **16-04-2021** file number **MOHFW/R/E/21/01536**, the Ministry of Health and Family Welfare, replied to the 1st question, **"Is Covid Vaccine Voluntary or Mandatory?",** thus: **"Vaccination for Covid-19 is Voluntary". ** Further when the applicant asked in his subsequent questions, **"Can any government or private organization hold our salary or terminate us from job in case of not taking Covid vaccine?" and "Can governmentcancel any kind of government facilities such as subsidies, ration and medical facilities in case of not taking covid vaccine?"** the reply was, **"In view of above reply, these queries do not arise".**

6.40.6. It is pertinent note that the Minister of State in the Ministry ofHealth & Family Welfare, Government of India in an answer given on **19.03.2021** in the Lok Sabha to an Unstarred Question No. 3976, **stated that there is no provision of compensation for recipients of Covid-19 Vaccination against any kind of side effects or medical complication that may arise due to inoculation. The Covid-19 Vaccination is entirelyvoluntary for the beneficiaries. [Annexure – B].**

6.40.7. That, the Nine Judge Queens Bench in the landmark case of **Airadale NHS Trust Vs Bland (1993) 2 WLR 316**, had explained the issue regarding informed consent and free will of the said individual. Similar view is taken by the Constitutional Bench of the Supreme Court in the case of **Common Cause Vs Union of India (2018) 5 SCC 1.**

Recently, the **Airadale NHS Trust** ***(supra)*** judgment is followed by Hon'ble Meghalaya High Court in a Landmark judgment in relation with corona vaccines and Hon'ble Court quashed the orders passed by the state authorities where people were forced to take vaccines. **[Registrar GeneralVs. State of Meghalaya 2021 SCC OnLine Megh 130]**

6.40.8. Shocking part is that the same Judge Dr. D.Y. Chandrachud in the case of Common Cause (Supra) has authored a judgment saying that no one can be forced to het any medicine.

It is ruled as under;

> **"517.** The entitlement of each individual to a dignified existence necessitates constitutional recognition of the principle that an individual possessed of a free and competent mental state is entitled to decide whether or not to accept medical treatment. The right of such an individual to refuse medical treatment is unconditional. **Neither the law nor the Constitution compel an individual who is competent and able to take decisions, to disclose the reasons for refusing medical treatment nor is such a refusal subject to the supervisory control of an outside entity**;

6.40.9. The same view is reiterated in the recent judgment in the case of **Jacob Puliyel Vs Union of India 2022 SCC OnLine SC 533.**

6.40.10. Hence, it is clear that the accused judge has deliberately acted against the binding precedents to give wrongful profit to vaccine companies. Therefore he is liable for strict punishment of contempt for his willful disregard and defiance of binding judgment of Supreme Court.

6.41. DOUBLE STANDERS BY TREATING THE COMMON MAN AND RICH PEOPLE DIFFERENTLY:

Accused Judge in a case of Arnab Goswami laid down the law that it is theduty of the Judges to act immediately by keeping all the work aside when the matter is related with the life and liberty of a citizen.

In the case of **Arnab Goswami Vs. State (2021) 2 SCC 427,** it is ruled asunder;

> ***"72…. Every court in our country would do well to remember Lord Denning's powerful invocation in the first Hamlyn Lecture****, titled "Freedom under the Law"*

[Sir Alfred Denning, "Freedom under the Law", the Hamlyn Lectures, First Series, available at .] : ***"Whenever one of the Judges takes seat, there is one application which by long tradition has priority over all others. The counsel has but to say, 'My Lord, I have an application which concerns the liberty of the subject', and forthwith the Judge will put all other matters aside and hear it…." It is our earnest hope that our courts will exhibit acute awareness to the need to expand the footprint of liberty and use our approach as a decision-****making yardstick for future cases.*

6.41.1. All the Honest and efficient Judges respected the rights of an individual and granted immediate stay to the vaccine mandates and protected the rights of the Citizen. They stayed the rules and orders ofconditions of fully vaccination. **But accused Judge acted with double standard and failed to protect the rights of the Crores of victims. On the contrary passed orders and remarks aginast the constitutional mandates.**

6.41.2. In **Nand Lal Mishra Vs Kanhaiya Lal Mishra [AIR 1960 SC 882**,it is ruled that there should not be double standard by a Judge.

"Double standard and biased conduct of Judge- In the courts of law, there cannot be a double-standard - one for the highly placed and another for the rest: the Judge should have no concern with personalities who are parties to the case before him but only with its merits.

The record discloses that presumably the Magistrate was oppressed by the high status of the respondent, and instead of making a sincere attempt to ascertain

the truth proceeded to adopt a procedure which is not warranted by the Code , and to make an unjudicial approach to the case of the appellant. In the courts of law, there cannot be a double-standard-one for the highly placed and another for the rest: the Magistrate has no concern with personalities who are parties to the case before him but only with its merits.

10. *After carefully going through the entire record, we are satisfied that the appellant was not given full opportunity to establish his case in the manner prescribed by law."*

6.41.3. In **Madhav Hayawadanrao Hoskot vs. State of Maharashtra; (1978) 3 SCC 544",** Justice Shri V.R. Krishna Iyer reproduced the well- known words of Mr. Justice William J. Brennan, Jr. and held as under:

"*16. Nothing rankles (cause annoyance) more in the human heart than a brooding sense (fear / anxiety) of injustice.*

...Democracy's very life depends upon making the machinery of justice so effective that every citizen shall believe in and benefit by its impartiality and fairness.

The social service which the Judges render to the community is the removal of a sense / fear of injustice from the hearts of people, which unfortunately is not being done, and the people (victims & dejected litigants) have been left abandoned to suffer and bear their existing painful conditions, and absolutely on the mercy of GOD."

6.42. Act of accused also amounts to an offence under Section 51(b),54, 55 of Disaster Management Act, 2005 & other provisions of I.P.C.

Section **51(b), 55** of the Act reads thus;

> ***"Section 51 in the Disaster Management Act, 2005***
>
> ***51. Punishment for obstruction, etc.-***
>
> *Whosoever, (b) refuses to comply with any direction given by or on behalfof the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act, shall on conviction be punishable with imprisonment for a term whichmay extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in lossof lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend totwo years. notes on clauses Clauses 51 to 58 (Secs. 51 to 58)seeks to lay down what will constitute an offence in terms of obstruction of the functions under the Act, false claim for relief, misappropriation of relief material or funds, issuance of false warning, failure of an officer to perform the duty imposed on him under the Act without due permission or lawful excuse, or his connivance at contravention of the provisions of the Act. The clauses also provide for penalties for these offences.*
>
> ***Section 54 :*** Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine. —Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine."

55. Offences by Departments of the Government.-

(1) *Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due* diligenceto prevent the commission of such offence. (1) Where an offence under this Act has been committed by any Departmentof the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.**"**

(2) *Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.*

7. The Accused judges including Justice Dr. D.Y. Chandrachud are bound to resign as per law laid down inthe case of K. Veeraswami Vs. Union of India (1991) 3 SCC 655.

7.1. Constitution Bench in the case of **K. Veeraswami K. Veeraswami Vs. Union of India (1991) 3 SCC 655,** while dealing with the case of criminal prosecution of a Supreme Court Judge had ruled that;

*" **The judiciary has no power of the purse or the sword. It survives only by public confidence and it is important to the stability of the society that the confidence of the public is not shaken. The Judge whose character is clouded and whose standards of morality and rectitude are in doubt may not have the judicial independence and may not command confidence of the public. He must voluntarily withdraw from the judicial work and administration.***

*The emphasis on this point should not appear superflu- ous Prof. Jackson says "**Misbehaviour by a Judge, whether it takes place on the bench or off the bench, undermines public confidence in the administration of justice, and also damages public respect for the law of the land; if nothing is seen to be done about it, the damage goes unrepaired. This must be so when the judge commits a serious criminal offence and remains in office"**. (Jackson's Machinery of Justice by J.R. Spencer 8th ed. p.p. 369-370)*

*The proved "misbehaviour" which is the basis for removal of a Judge under clause (4) of Article 124 of the Constitu- tion may also in certain cases involve an offence of crimi- nal misconduct under section S(1) of the Act. But that is **no ground for withholding criminal prosecution till the Judge is removed by Parliament as suggested by counsel for the appellant. One is the power of Parliament and the other is the jurisdiction of a Criminal Court. Both are mutually exclusive. "Even a Government servant who is answerable for his misconduct which may also constitute an offence under the IPC or under Section 5 of the Act is liable to be***

> ***prose- cuted in addition to a departmental enquiry****. If prosecuted in a criminal court he may be punished by way of imprison- ment or fine or with both but in departmental enquiry, the highest penalty that could be imposed on him is dismissal. The competent authority may either allow the prosecution to go on in a Court of law or subject him to a departmental enquiry or subject him to both concurrently or consecutive- ly.* ***It is not objectionable to initiate criminal proceedings against public servant before exhausting the disciplinary proceedings, and a fortiori, the prosecution of a Judge for criminal misconduct before his removal by Parliament for proved misbehaviour is unobjectionable****."*

7.2. Justice Krishna Iyer in **Raghbir Singh vs State Of Haryana 1980 SCR (3) 277,** gave a rich and subtle warning to the members of Judiciary,which is also applicable to the members of Bar. The said famous words reads thus:

> *4. We conclude with the disconcerting note sounded by Abraham Lincoln* :
> "*If you once forfeit the confidence of your fellow citizens you can never regain their respect and esteem.* ***It is true that you can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time."***

7.3. It is the duty of the members of the Bar to expose corrupt Judges. Inthe case of **R. Muthukrishnan Vs. The Registrar General Of The HighCourt AIR 2019 SC 849**, ruled that;

> ***"it is the duty of the Bar to protect honest judges and at the same time to ensure that corrupt judges are not spared."***

7.4. Martin Luther King said **"Injustice anywhere is threat to Justice everywhere".** The second sound principle is that **"Evil tolerated is evil**

propagated"

7.5. "Justice", we do not tire of saying, must not only be done", but, 'must be seen to be done" and yet at times some Courts suffer from temporary amnesia and forget these words of wisdom. In the result, a Court occasionally adopts a procedure which does not meet the high standards set for itself by the judiciary. The present matter falls in that unfortunate category of cases". These are the observations of Hon'ble Supreme Court against a Judge who adopted the unfair procedure and passed a wrong order consciously. **(Nirankar Nath Wahi and Others,**Vs. Fifth Addl. District Judge, Moradabad and others, AIR 1984 SC1268)

7.6. In a case against Justice **Nirmal Yadav, she** was charge sheeted by CBI for accepting **Rs. 10** Lakh bribe for passing an unlawful order. It is ruled as under;

"*Hon'ble Supreme Court observed:*

Be you ever so high, the law is above you." Merely because the petitioner has enjoyed one of the highest constitutional offices(Judge of a High Court), she cannot claim any special right or privilege as an accused than prescribed under law. Rule of law has to prevail and must prevail equally and uniformly, irrespective of the status of an individual.

The petitioner Justice Mrs. Nirmal Yadav, the then Judge of Punjab and Haryana High Court found to have taken bribe to decide a case pending before her- CBI charge sheeted - It is also part of investigation by CBI that this amount of Rs.15.00 lacs was received by Ms. Yadav as a consideration for deciding RSA No.550 of 2007 pertaining to plot no.601,Sector 16, Panchkula for which Sanjiv Bansal had acquired interest. It is stated that during investigation, it is also revealed that Sanjiv Bansal paid the fare of air tickets of Mrs.Yadav and Mrs. Yadav used matrix mobile phone card provided to her by

Shri Ravinder Singh on her foreign visit. To establish the close proximity between Mrs. Yadav, Ravinder Singh, Sanjiv Bansal and Rajiv Gupta, CBI has given details of phone calls amongst these accused persons during the period when money changed hands and the incidence of delivery of money at the residence of Ms. Nirmaljit Kaur and even during the period of initial investigation - the CBI concluded that the offence punishable under Section 12 of the PC Act is established against Ravinder Singh, Sanjiv Bansal and Rajiv Gupta whereas offence under Section 11 of the PC Act is established against Mrs.Justice Nirmal Yadav whereas offence punishableunder Section 120-B of the IPC read with Sections 193, 192, 196, 199 and 200 IPC is also established against Shri Sanjiv Bansal, Rajiv Gupta and Mrs. Justice Nirmal yadav

It has been observed by Hon'ble Supreme Court "Be you ever so high, the law is above you." Merely because the petitioner has enjoyed one of the highest constitutional offices(Judge of a High Court), she cannot claim any special right or privilege as an accused than prescribed under law. Rule of law has to prevail and must prevail equally and uniformly, irrespective of the status of an individual. Taking a panoptic view of all the factual and legal issues, I find no valid ground for judicial intervention in exercise of inherent jurisdiction vested with this Court. Consequently, this petition is dismissed.

B) In-House procedure 1999 , for enquiry against High Court and Supreme Court Judges - Since the matter pertains to allegations against a sitting High Court Judge, the then Hon'ble Chief Justice of India, constituted a three members committee comprising of Hon'ble Mr.Justice H.L.Gokhale, the then Chief Justice of Allahabad High Court,

presently Judge of Hon'ble Supreme Court, Justice K.S. Radhakrishnan, the then Chief Justice of Gujarat High Court, presently, Judge of Hon'ble Supreme Court and Justice Madan B.Lokur, the then Judge of Delhi High Court, presently Chief Justice Gauhati High Court in terms of In-House procedure adopted by Hon'ble Supreme Court on 7.5.1997. The order dated 25.8.2008 constituting the Committee also contains the terms of reference of the Committee. The Committee was asked to enquire into the allegations against Justice Mrs. Nirmal Yadav, Judge of Punjab and Haryana High Court revealed, during the course of investigation in the case registered vide FIR No.250 of 2008 dated 16.8.2008 at Police Station, Sector 11, Chandigarh and later transferred to CBI. The Committee during the course of its enquiry examined the witnesses and recorded the statements of as many as 19 witnesses, including Mrs.Justice Nirmal Yadav (petitioner), Ms.Justice Nirmaljit Kaur, Sanjiv Bansal, the other accused named in the FIR and various other witnesses. The Committee also examined various documents, including data of phone calls exchanged between Mrs. Justice Nirmal yadav and Mr.Ravinder Singh and his wife Mohinder Kaur,Mr.Sanjiv Bansal and Mr.Ravinder Singh, Mr.Rajiv Gupta and Mr. Sanjiv Bansal. On the basis of evidence and material before it, the Committee of Hon'ble Judges has drawn an inference that the money delivered at the residence of Hon'ble Ms.Justice Nirmaljit Kaur was in fact meant forMs. Justice Nirmal Yadav."

7.7. In <u>Jagat Jagdishchandra Patel Vs. State of Gujarat and Ors.2016 SCC OnLine Guj 4517,</u> it is ruled as under;

> ***''Two Judges caught in sting opration – demanding bribe to give favourable verdict – F.I.R. registered – Two accused Judges arrested – Police did not file charge-sheet within time – Accused Judges got bail – complainant filed writ for transferring inverstigation.***
>
> ***Held, the police did not collected evidence, phone details – CDRS – considering apparent lapses on the part of police, High Court transferred investigation through Anti-Corruption Bureau.***
>
> ***A Constitution Bench of this Court in Subramanian Swamy v. Director, Central Bureau of Investigation & Anr. (2014) 8 SCC 682, reiterated that corruption is an enemy of the nation and tracking down corrupt public servants and punishing such persons is a necessary mandate of the Act 1988.***
>
> *Not only this has a demoralising bearing on those who are ethical, honest, upright and enterprising, it is visibly antithetical to the quintessential spirit of the fundamental duty of every citizen to strive towards excellence in allspheres of individual and collective activity to raise thenation to higher levels of endeavour and achievement.*
>
> *It encourages defiance of the rule of law and the propensities for easy materialistic harvests, whereby the society's soul*

stands defiled, devalued and denigrated. Corruption is a vice of insatiable avarice for self- aggrandizement by the unscrupulous, taking unfair advantage of their power and authority and those in public office also, in breach of the institutional norms, mostly backed by minatory loyalists. Both the corrupt and the corrupter are indictable and answerable to the society and the country as a whole. This is more particularly in re the peoples' representatives in public life committed by the oathof the office to dedicate oneself to the unqualified welfare of the laity, by faithfully and conscientiously discharging their duties attached thereto in accordance with the Constitution,free from fear or favour or affection or ill-will. A self- serving conduct in defiance of such solemn undertaking in infringement of the community's confidence reposed in them is therefore a betrayal of the promise of allegiance to the Constitution and a condemnable sacrilege. Not only such a character is an anathema to the preambular promise of justice, liberty, equality, fraternal dignity, unity and integrity of the country, which expectantly ought to animate the life and spirit of every citizen of this country, but also is an unpardonable onslaught on the constitutional religion that forms the bedrock of our democratic polity.

Both the Presiding Officers and two staff members were suspended by the Gujarat High Court and a first information report being I-C.R. No. 1 of 2015 came to be registered

The accused-judicial officers preferred Special Criminal Application, seeking a writ of mandamus, which ultimately came to be rejected by this Court on the ground that it was a large scale scam. The Court further observed in its prima facie conclusion that the officers have tarnished the image of the judiciary and the facts of the case are gross and disturbing.

Both the said accused were arrested and produced before the learned District and Sessions Judge. The regular bail application preferred by them came to be rejected and they were sent to the judicial custody. It is alleged that except the evidence furnished by the petitioner, no fresh evidence cameto be collected by the respondent No. 2-Investigating Officer.The slipshod manner of investigation of the complaint led the petitioner to approach the High Court.

It is the grievance of the petitioner that due to improper investigation by an incompetent Police Officer, there are many more accused who are roaming freely in the society and no attempts have been made to arrest the seven advocates who were a part of this corruption racket. It is alsotheir say that in a zeal to protect the erring officer, the remand of both the accused persons has not been sought for. The reason of unaccounted wealth received towards the illegal gratification has not been pressed into service for seeking remand. The deliberate lapse on the part of the respondent No. 2 has jeopardised the audio and video proof which have been tendered. The hard disk which is a

preliminary evidence and the CD-a secondary evidence,have been ignored. The charge sheet ought to have been filed within a period of sixty days from the date of the arrestof the accused, which since was not done, it resulted into their release as they both have been given default bail. According to the petitioner, it was the duty of the respondentas well as the Registrar (Vigilance) to check the entire harddisk to find out other and further corrupt practices by the accused persons. Therefore, it is urged that the investigationbe carried out by a person having impeccable integrity.

Dealing firstly with the first issue of remand, it is not in dispute that the remand of the accused who both are the judicial officers and allegedly involved in corrupt practice has not been sought for.

From the beginning it is the case of the complainant that the conduct, which has been alleged in the complaint has brought disrepute to the investigation. It is also his say that huge amount of illegal gratification had been demanded byboth the judicial officers in the pending matters and, therefore, to presume that there was no material to seek remand, is found unpalatable. It is an uncontroverted fact that the Vigilance Officer (VO-II), who has filed his affidavit-in-reply, has retired during the pendency of the investigation. While he continued to act as Investigating Officer also, he could have conducted the investigation moreeffectively and with scientific precision. To be complacent and/or to presume anything while handling serious

investigation cannot be the answer to the requirements of law. It though may not be said to be an attempt to save the accused, it surely is an act, which would raise the eye-brows, particularly when the investigation was at a very nascent stage against the judicial officers. Recourse of the society against all kinds of injustice and violation of law when is in the judiciary, all the more care would be essential when judicial officers themselves are alleged of demand of bribe for discharging their duties under the law. Not that remand in every matter is a must to be sought. But, the stand taken by the Investigating Officer to justify his stand leaves much to be desired.

At the time of hearing of this petition, when a specific query was raised as to why the charge sheet was not filed within the time frame, non-receipt of report from the Forensic Science Laboratory was shown to be one of the strongest grounds

Undoubtedly, in every criminal matter where the investigation is to be completed and the charge sheet is to be laid either within 60 days or 90 days, the report of the Forensic Science Laboratory does not necessarily form the part of the papers of the charge sheet. The Criminal Manual also provides for submission of the Forensic Science Laboratory report if not submitted with the charge sheet, at a belated stage.

It is not a sound reason put forth on the part of the Investigating Officer that the pendency of the Forensic

Science Laboratory report had caused delay in filing the charge sheet

Such time limit to place the charge sheet could not have gone unnoticed and that ought not to have furnished a ground for default bail when otherwise these officers were refused bail by the competent Court.

Even when the CD did not reveal giving of illegal gratification, but only demand, how could all other angles of this serious issues be left to the guesswork. To say that after the Special Officer (Vigilance) recorded the statementof the complainant and collected some material, nothing remained to be collected, is the version of the Investigating Officer wholly unpalatable. After a thorough investigation, he would have a right to say so and the Court if is not satisfied or the complainant finds it unacceptable, he can request for further investigation under section 173(8) of theCode of Criminal Procedure. But, how could an Investigating Officer presume from the tenor of the complaint or the CD sent by the complainant about non- availability of the evidence.

To give only one example, it is unfathomable as to why the Investigating Officer failed to call CDRs in this matter.

In every ordinary criminal matter also, collecting of CDRs is found to be a very useful tool to prove whereabouts of parties and also to link and resolve many unexplained links.

CDRs are held to be the effective tool by a Division Bench of this Court in one of the appeals, by holding thus:

"It would be apt to refer to certain vital details CDR, which known as Call detail record as also Call Data record, available on the internet [courtesy Wikipedia]. The CDR contains data fields that describe a specific instance of telecommunication transaction minus the content of that transaction. CDR contains attributes, such as [a] calling party; [b] called party; [c] date and time; [e] call duration; [f] billing phone number that is charged for the call; [g] identification of the telephone exchange; [h] a unique sequence number identifying the record; [i] additional digits on the called number, used to route the call; [j] result of the call ie., whether the same was connected or not; [k] the route by which call left the exchange; [l] call type [ie., voice, SMS, etc.].

Call data records also serve a variety of functions. For telephone service providers, they are critical to the production of revenue. For law enforcement, CDRs providea wealth of information that can help to identify suspects, inthat they can reveal details as to an individual's relationships with associates, communication and behavior patterns and even location data that can establish the whereabouts of an individual during the entirety of the call.For companies with PBX telephone systems, CDRs provide a means of tracking long distance access, can monitor

telephone usage by department; including listing of incoming and outgoing calls.

In a simpler language, it can be said that the technology canbe best put to use in the form of CDRs which contains data fields describing various details, which also includes not only the phone number of the subscriber originating the callland the phone number receiving such call etc., but, the details with regard to the individual's relationships with associates, the behavior patterns and the whereabouts of anindividual during the entirety of the call.

The whole purpose of CDR is not only to establish the number of phone calls which may be a very strong circumstance to establish their intimacy or behavioral conduct. Beyond that, such potential evidence also can throw light on the location of the mobile phone and in turnmany a times, the position and whereabouts of the person using them with the aid of mobile phone tracking and phone positioning, location of mobile phone and its user is feasible.As the mobile phone ordinarily communicates wirelessly with the closest base station. In other words, ordinarily, signal is made available to a mobile phone from the nearest Mobile tower. In the event of any congestion or excessive rush on such mobile tower, there is an inbuilt mechanism ofautomatic shifting over to the next tower and if access is alsonot feasible there, to the third available tower. This being largely a scientific evidence it may have a material bearing on the issue, and therefore, if such evidence is established

scientifically before the Court concerned, missing link can be provided which more often than not get missed for want of availability of credible eye-witnesses. We have noticed that in most of the matters these days, scientific and technical evidence in the form of Call Data Record is evident. However, its better and further use for the purpose of revealing and establishing the truth is restricted by not examining any witness nor bringing on record the situation of the mobile towers. Such kind of evidence, moreparticularly in case of circumstantial evidence will be extremely useful and may not allow the truth to escape, as the entire thrust of every criminal trial is to reach to the truth."

25. With the nature of direct allegations of demand of illegal gratification by the judicial officers for disposition of justice, they would facilitate further investigation and also may help establishing vital links. No single reason is given for not collecting the CDRs during the course of investigation of crime in question.

This Court has exercised the power to transfer investigation from the State Police to the CBI in cases where such transferis considered necessary to discover the truth and to meet theends of justice or because of the complexity of the issues arising for examination or where the case involves national or international ramifications or where people holding high positions of power and influence or political clout are involved.

The Apex Court in the said decision further observed that the purpose of investigation is to reach to the truth in every investigation. For reaching to the truth and to meet with the ends of justice, the Court can exercise its powers to transfer the investigation from the State Police to the Central Bureauof Investigation. Such powers are to be exercised sparingly and with utmost circumspection.

In Sanjiv Kumar v. State of Haryana and Others (2005) 5 SCC 517, where this Court has lauded the CBI as an independent agency that is not only capable of but actually shows results:

CBI as a Central investigating agency enjoys independence and confidence of the people. It can fix its priorities and programme the progress of investigation suitably so as to see that any inevitable delay does not prejudice the investigationof the present case. They can think of acting fast for the purpose of collecting such vital evidence, oral and documentary, which runs the risk of being obliterated by lapse of time. The rest can afford to wait for a while. We hope that the investigation would be entrusted by the Director, CBI to an officer of unquestioned independence and then monitored so as to reach a successful conclusion;the truth is discovered and the guilty dragged into the net oflaw. Little people of this country, have high hopes from CBI,the prime investigating agency which works and gives results. We hope and trust the sentinels in CBI would justifythe confidence of the people and this Court reposed in them.

Mere glance at these two documents also prima facie reveal hollowness of the investigation in criminal matter and this Court is further vindicated by these materials that the matterrequires consideration.

It is certainly a case where the investigation requires to be conducted by a specialised agency which is well equipped with manpower and other expertise.

Some of the aspects where the said officer Ms. Rupal Solanki, Assistant Director, Anti-Corruption Bureau, needsto closely look at and investigate are:

"(i) The collection of CDRs of the accused and all other persons concerned with the crime in question.

(ii) Non-recordance of any statements of advocates andlitigants by the then Investigating Officer except those whichhad been recorded by the Special Officer (Vigilance) at the time of preliminary investigation.

(iii) Investigation concerning various allegations of demandof illegal gratification by both the judicial officers and the details which have been specified in the CD, as also reflectedin the imputation of charges for the departmental proceedings.

(iv) The issue of voice spectography in connection with the collection of the voice sample in accordance with law.

(v) The examination of hard disk/CPU by the ForensicScience Laboratory, which is in possession of the petitioner.

(vi)Investigation against all other persons who are allegedlyinvolved in abetting this alleged crime of unpardonablenature.

(vii) All other facets of investigation provided under the law, including disproportionate collection of wealth which she finds necessary to reach to the truth in the matter.''

7.8. In **Shameet Mukharjee Vs CBI 2003-DRJ-70-327** it is ruled as under;

''Cr. P.C. – Section 439 – Accused was a Judge of High Court – Arrested under section 120 – B, IPC r/w sec. 7,8,11,12,13 (1) of prevention of corruption Act.- Chargesof misuse of power for passing favourable order – Petitioner/accused is having relationship with another accused – Petitioner used to enjoy his hospitality in terms of wine and women – 12 days police remand granted but nothing incriminating was found – Petitioner's wife is ill –Held petitioner entitled to be released on bail.''

7.9. Former Chief Minister Shri Kalikho Pul in his suicide note was found on **8th**

August, 2016 accused then Chief Justice J.S Khelhar, Former Chief Justice Deepak Mishra that they demanded 77 Crores (Rupees Seventy Seven Crores Only) & 27 Crores (Rupees Twenty Seven Crores Only) respectively Similarly allegations are made against former CJI H.L.Dattu for demanding 47 Crores.

7.10. Full Bench in **K.K. Dhawan's (1993) 2 SCC 56** where it is ruled that, the jurisdiction to Challenge the order is different thing and jurisdiction to take the action against concerned Judge is a different thing.

It is ruled as under;

> "If any Judge acts negligently or recklessly or in order to confer undue favour on a person is not acting as a Judge. And he can be proceeded for passing unlawful order apart from the fact that the order is appealable. Action for violation of Conduct Rules is must for proper administration.
>
> "**28.** Certainly, therefore, the officer who exercises judicial orquasi - judicial powers acts negligently or recklessly or in order to confer undue favour on a person is not acting as a Judge. Accordingly, the contention of the respondent has tobe rejected. It is important to bear in mind that in the presentcase, we are not concerned with the correctness or legality ofthe decision of the respondent but the conduct of the respondent in discharge of his duties as an officer. **The legality of the orders with reference to the nine assessments may be questioned in appeal or revision under the Act. But we have no doubt in our mind that the Government is not precluded from taking the disciplinary action for violation of the Conduct Rules.**

Thus, we conclude that the disciplinary action can be taken in the following cases:

(i) Where the officer had acted in a manner as would reflecton his reputation for integrity or good faith or devotion to duty;

(ii) **if there is prima facie material to show recklessnessor misconduct in the discharge of his duty;**

(iii) if he has acted in a manner which is unbecoming of agovernment servant;

(iv) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise ofthe statutory powers;

(v) **if he had acted in order to unduly favour a party-,**

(vi) **if he had been actuated by corrupt motive however,small the bribe may be because Lord Coke said long ago"though the bribe may be small, yet the fault is great."**

"17. In this context reference may be made to the followingobservations of Lopes, L.J. in Pearce v. Foster.

"If a servant conducts himself in a way inconsistent withthe faithful discharge of his duty in the service, it is misconduct which justifies immediate dismissal. That misconduct, according to my view, need not be misconduct in the carrying on of the service of the

> **business. It is sufficient if it is conduct which is prejudicial or is likely to be prejudicial to the interests or to the reputation of the master, and the master will bejustified, not only if he discovers it at the time, but also ifhe discovers it afterwards, in dismissing that servant."**
>
> (Emphasis supplied)"

8. Under these circumstances and in order to save the judiciary from being polluted due to such corrupt, dishonest and criminal-minded Judges, it is just and necessary that immediate action must be taken to withdraw all his/her judicial work.

8.1. In **Additional District and Sessions Judge 'X' Vs. Registrar General (2015) 4 SCC 91** it is ruled as under;

> **53.** In view of the consideration and the findings recorded hereinabove, we may record our general conclusions as under:
>
> (i) The "in-house procedure" framed by this Court, consequent upon the decision rendered in C. Ravichandran Iyer's case (supra) can be adopted, to examine allegations levelled against Judges of High Courts, Chief Justices of High Courts and Judges of the Supreme Court of India.
>
> (ii) The investigative process under the "in-house procedure" takes into consideration the rights of the complainant, and that of the concerned judge, by adopting a fair procedure, to determine the veracity of allegations levelled against a sitting Judge. At the same time, it safeguards the integrity of the judicial institution.

(iii) Even though the said procedure, should ordinarily be followed in letter and spirit, the Chief Justice of India, would have the authority to mould the same, in the facts and circumstances of a given case, to ensure that the investigative process affords safeguards, against favouritism, prejudice or bias.

(iv) In view of the importance of the "in-house procedure", it is essential to bring it into public domain. The Registry of the Supreme Court of India, is accordingly directed, to place the same on the official website of the Supreme Court of India.

54. In the facts and circumstances of the present case, our conclusions are as under:

(i) With reference to the "in-house procedure" pertaining to a judge of a High Court, the limited authority of the Chief Justice of the concerned High Court, is to determine whether or not a deeper probe is required. The said determination is a part of stage-one (comprising of the first three steps) of the "in-house procedure" (elucidated in paragraph 37, hereinabove). The Chief Justice of the High Court, in the present case, traveled beyond the determinative authority vested in him, under stage-one of the "in-house procedure".

(ii) The Chief Justice of the High Court, by constituting a "two-Judge Committee", commenced an in-depth probe, into the allegations levelled by the Petitioner. The procedure adopted by the Chief Justice of the High Court, forms a part of the second stage (contemplated under steps four to seven-elucidated in paragraph 37, hereinabove). The second stage of the "in-house procedure" is to be carried out, under the

authority of the Chief Justice of India. The Chief Justice of the High Court by constituting a "two-Judge Committee" clearly traversed beyond his jurisdictional authority, under the "in-house procedure".

(iii) In order to ensure, that the investigative process is fair and just, it is imperative to divest the concerned judge (against whom allegations have been levelled), of his administrative and supervisory authority and control over witnesses, to be produced either on behalf of the complainant, or on behalf of the concerned judge himself. The Chief Justice of the High Court is accordingly directed to divest Respondent No. 3-Justice 'A', of the administrative and supervisory control vested in him, to the extent expressed above.

(iv) The Chief Justice of the High Court, having assumed a firm position, in respect of certain facts contained in the complaint filed by the Petitioner, ought not to be associated with the "in-house procedure" in the present case. In the above view of the matter, the Chief Justice of India may reinitiate the investigative process, under the "in-house procedure", by vesting the authority required to be discharged by the Chief Justice of the concerned High Court, to a Chief Justice of some other High Court, or alternatively, the Chief Justice of India may himself assume the said role.

47.6. ***Step six***

If the “three-member Committee” constituted by the Chief Justice of India, arrives at the conclusion, that the misconduct is not serious enough for initiation of proceedings for the

removal of the Judge concerned, the Chief Justice of India shall advise the Judge concerned, and may also direct, that the report of the "three-member Committee" be placed on record. If the "three-member Committee" has concluded, that there is substance in the allegations, for initiation of proceedings, for the removal of the Judge concerned, the Chief Justice of India shall proceed as under:

(*i*) The Judge concerned will be advised, by the Chief Justice of India, to resign or to seek voluntary retirement.

(*ii*) In case the Judge concerned does not accept the advice of the Chief Justice of India, the Chief Justice of India, would require the Chief Justice of the High Court concerned, not to allocate any judicial work, to the Judge concerned.

9. No Unlimited discretion to Judges of High Court & Supreme Court.

9.1. In **Bharat Heavy Electricals Ltd. v. M. Chandrasekhar Reddy, (2005) 2 SCC 481** it is ruled as under;

> ***"14.*** *With respect,* ***we are unable to agree with these findings of the High Court. In our opinion, there is no such thing as unlimited jurisdiction vested with any judicial or quasi-judicial forum****. An unfettered discretion is a sworn enemy of the constitutional guarantee against discrimination. An unlimited jurisdiction leads to unreasonableness. No authority, be it administrative or judicial has any power to exercise the discretion vested in it unless the same is*

based on justifiable grounds supported by acceptable materials and reasons thereof.”

9.2. In **Sundarjas Kanyalal Bhathija and Ors. Vs. The Collector, Thane, Maharashtra and others AIR 1990 SC 261**it is ruled as under;

> ***‘‘Constitution of India, Art.141- PRECEDENTS - Judges are bound by precedents and procedure - They could use their discretion only when there is no declared principle to be found, no rule and no authority - where a single judge or a Division Bench does not agree with the decision of a Bench of co-ordinate jurisdiction, the matter shall be referred to a larger Bench. It is a subversion of judicial process not to follow this procedure - it is the duty of judges of superior courts and tribunals to make the law more predictable. The question of law directly arising in the case should not be dealt with apologetic approaches. The law must be made more effective as a guide to behaviour. It must be determined with reasons which carry convictions within the Courts, profession and public. Otherwise, the lawyers would be in a predicament and would not know how to advise their clients. Sub-ordinate courts would find themselves in an embarrassing position to choose between the conflicting opinions. The general public would be in dilemma to obey or not to obey such law and it ultimately falls into disrepute- One must remember that pursuit of the law, however glamorous it is, has its own limitation on the Bench.’’***

9.3. In **Official Liquidator v. Dayanand, (2008) 10 SCC 1** it is ruled as unde;

> ***“78.*** *There have been several instances of different Benches of the H igh Courts not following the judgments/orders of coordinate and ev en larger Benches.* ***In some cases, the High Courts have gone to th***

e extent of ignoring the law laid down by this Court without any t angible reason. Likewise, there have been instances in which sma ller Benches of this Court have either ignored or bypassed the rati o of the judgments of the larger Benches including the Constituti on Benches. These cases are illustrative of non-adherence to the r ule of judicial discipline which is sine qua non for sustaining the system.

90. We are distressed to note that despite several pronouncements on the subject, there is substantial increase in the number of case s involving violation of the basics of judicial discipline. The learn ed Single Judges and Benches of the High Courts refuse to follow and accept the verdict and law laid down by coordinate and even l arger Benches by citing minor difference in the facts as the groun d for doing so*. Therefore, it has become necessary to reiterate that disrespect to the constitutional ethos and breach of discipline have grave impact on the credibility of judicial institution and encourage s chance litigation. It must be remembered that predictability and c ertainty is an important hallmark of judicial jurisprudence develop ed in this country in the last six decades and increase in the frequen cy of conflicting judgments of the superior judiciary will do incalcu lable harm to the system inasmuch as the courts at the grass roots w ill not be able to decide as to which of the judgments lay down the c orrect law and which one should be followed.*

91. *We may add that in our constitutional set-up every citizen is un der a duty to abide by the Constitution and respect its ideals and in stitutions. Those who have been entrusted with the task of administe ring the system and operating various constituents of the State and*

who take oath to act in accordance with the Constitution and uphol d the same, have to set an example by exhibiting total commitment t o the constitutional ideals. This principle is required to be observed with greater rigour by the members of judicial fraternity who have been bestowed with the power to adjudicate upon important constit utional and legal issues and protect and preserve rights of the indiv iduals and society as a whole. Discipline is sine qua non for effectiv e and efficient functioning of the judicial system. If the courts comm and others to act in accordance with the provisions of the Constitut ion and rule of law, it is not possible to countenance violation of th e constitutional principle by those who are required to lay down the law.

9.4. Full Bench in **Dwarikesh Sugar Industries Ltd. Vs. Prem Heavy Engineering Works (P) Ltd. and Another AIR 1997 SC 2477**

"It is duty of the court to apply the correct law even if not raised by the party. If any order against settled law is to be passed then it can be done only by a reasoned order. Containing a discussion after noticing the relevant law settled.

16. It is the solemn duty of the Court to apply the correct law without waiting for an objection to be raised by a party, especially when the law stands well settled. Any departure, if permissible, has to be for reasons discussed, of the case falling under a defined exception, duly discussed after noticing the relevant law. In financial matters grant of ex-parte interim

orders can have a deleterious effect and it is not sufficient to say that the aggrieved has the remedy to move for vacating the interim order.

18. We cannot help but disapprove the approach of the High Court for reasons already noticed in Dwarikesh Sugar Industries Ltd. v. Prem Heavy Engineering Works (P) Ltd. and Anr. MANU/SC/0639/1997 : 1997 (6) SCC 450, observing:

32. When a position, in law, is well settled as a result of judicial pronouncement of this Court, it would amount to judicial impropriety to say the least, for the subordinate courts including the High Courts to ignore the settled decisions and then to pass a judicial order which is clearly contrary to the settled legal position. Such judicial adventurism cannot be permitted and we strongly deprecate the tendency of the subordinate courts in not applying the settled principles and in passing whimsical orders which necessarily has the effect of granting wrongful and unwarranted relief to one of the parties. It is time that this tendency stops."

9.5. In **Anurag Kumar Singh and Ors.Vs.State of Uttarakhand and Ors. (2016) 9 SCC 426** it is ruled as under;

"Discretion:*It assumes the freedom to choose among several lawful alternatives. Therefore, discretion does not exist when there is but one lawful option. In this situation, the judge is required to select that option and has no freedom of choice. No discretion is involved*

in the choice between a lawful act and an unlawful act. The judge must choose the lawful act, and he is precluded from choosing the unlawful act. Discretion, on the other hand, assumes the lack of an obligation to choose one particular possibility among several.''

9.6. In **Prof. Ramesh Chandra MANU/UP/0708/2007** it is ruled as under;

''Discretion - It signifies exercise of judgment, skill or wisdom as distinguished from folly, unthinking or haste - Discretion cannot be arbitrary - But must be result of judicial thinking - Word in itself implies vigilant circumspection and care.

The contention that the impugned order was liable to be set aside inasmuch as the Chancellor had proceeded in hot haste after receiving the report from the State Government on 2nd June, 2005 as he issued the notice to the Vice-Chancellor on 24th June, 2005 and passed the impugned order on 16th July, 2005 when his term was going to end on 31st July, 2005 if, also worth acceptance.''

9.7. In the case of **Sahara India Real Estate Corpn. Ltd. v. SEBI, (2012) 10 SCC 603**, it is ruled as under;

***"47…** Courts are duty-bound under inherent jurisdiction, subject to above parameters, to protect the presumption of innocence which is now recognised by this Court as a human right under Article 21, subject to the applicant proving displacement of such a presumption in appropriate proceedings.*

9.8. Hon'ble Supreme Court in the case of **Smt. Prabha Sharma Vs. Sunil Goyal and Ors. (2017) 11 SCC 77**where it is ruled as under;

"Article 141 of the Constitution of India - disciplinary proceedings against Additional District Judge for not following the Judgments of the High Court and Supreme Court - judicial officers are bound to follow the Judgments of the High Court and also the binding nature of the Judgments of this Court in terms of Article 141 of the Constitution of India. We make it clear that the High Court is at liberty to proceed with the disciplinary proceedings and arrive at an independent decision.

BRIEF HISTORY (From : (MANU/RH/1195/2011))

High Court initiated disciplinary proceedings against Appellant who is working as Additional District Judge, Jaipur City for not following the Judgments of the High Court and Supreme Court. Appellant filed SLP before Supreme Court - Supreme Court dismissed the petition.

Held, the judgment, has mainly stated the legal position, making it clear that the judicial officers are bound to follow the Judgments of the High Court and also the binding nature of the Judgments of this Court in terms of Article 141 of the Constitution of India. We do not find any observation in the impugned judgment which reflects on the integrity of the Appellant. Therefore, it is not necessary to expunge any of the observations in the impugned Judgment and to finalise the same expeditiously.

Based on this Judgment, disciplinary proceedings have been initiated against the Appellant by the High Court. We make it clear that the High Court is at liberty to proceed with the

disciplinary proceedings and arrive at an independent decision and to finalise the same expeditiously."

9.9. Section 219 of IPC reads thus;

> **219. Public servant in judicial proceeding corruptly making report, etc., contrary to law.—** Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

9.10. Section 218 of IPC reads thus;

> **218. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.—**Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

10. Law regarding Contempt action against Supreme Court or High Court Judges not following binding precedents of the Supreme Court & High Court:-

10.1. Constitution Bench in **Re: C.S. Karnan (2017) 7 SCC 1** where it is ruled that

> ***"1. JAGDISH SINGH KHEHAR, C.J.*** *(for himself and Misra, Chelameswar, Gogoi, Lokur, Ghose and Kurian, JJ.; Chelameswar and Gogoi, JJ. supplementing as well)— The task at our hands is unpleasant. It concerns actions of a Judge of a High Court. The instant proceedings pertain to alleged actions of criminal contempt, committed by Shri. Justice C.S. Karnan. The initiation of the present proceedings suo motu, is unfortunate. In case this Court has to take the next step, leading to his conviction and sentencing, the Court would have undoubtedly travelled into virgin territory. This has never happened. This should never happen.* ***But then, in the process of administration of justice, the individual's identity, is clearly inconsequential. This Court is tasked to evaluate the merits of controversies placed before it, based on the facts of the case. It is expected to record its conclusions, without fear or favour, affection or ill will.***
>
> ***60.*** *Faced with an unprecedented situation resulting from the incessant questionable conduct of the contemnor perhaps made the Chief Justice of India come to the conclusion that all the abovementioned questions could better be examined by this Court on the judicial side.* ***We see no reason to doubt the authority/jurisdiction of this Court to initiate the contempt proceedings. Hypothetically speaking, if somebody were to move this Court alleging that the activity of Justice Karnan tantamounts to contempt of court and therefore appropriate action be taken against him, this Court is bound to examine the***

questions. It may have accepted or rejected the motion. But the authority or jurisdiction of this Court to examine such a petition, if made, cannot be in any doubt.''

10.2. In **Subrata roy sahara vs. UOI (2014) 8 SCC 470**, it is ruled as under ;

"G. Contempt of Court – Nature and Scope Contempt by court, judge, magistrate or other person acting judicially — Interference with final and binding order court – Held, courts including Supreme Court (smaller Bench) does not have jurisdiction or authority to interfere or relax the terms/conditions of final and binding orders of Supreme Court (larger Bench) - Interference with such final and binding orders would amount to contempt of court – Sahara Companies case - Orders/directions of Supreme Court passed by Division Bench in Sahara India Real Estate Corpn. Ltd., (2013) 1 SCC 1, dt. 31-8-2012 and by three-Judge Bench in Sahara India Real Estate Corpn. Ltd., (2013) 2 SCC 733, dt. 5-12-2012, in absence of any pending proceedings against them, are final and binding – Any interference with above orders would be contempt of Supreme Court on part of present two - Judge Bench of Supreme Court — Constitution of India - Art. 129 — Supreme Court vis-à-vis itself - Contempt of Courts Act ,1971, S. 2 (b)

128…. *On the issue of disbursement of payments by the two Companies (to SEBI), the date of* ***we have neither the jurisdiction, nor the authority to relax the terms and conditions of the above orders. In fact, we would be committing contempt if we were to, on our own, interfere with the above directions. As a matter of fact, it***

is not open to us, to relax the order *dated 5-12-2012 [Sahara India Real Estate Corpn. Ltd. v. SEBI, (2013) 2 SCC 733 : (2013) 1 SCC (Civ) 1259 : (2013) 1 SCC (Cri) 1152 : (2013) 1 SCC (L&S) 452] ,* ***which was passed by a three-Judge Division Bench,*** *requiring the contemnors to deposit the first instalment of Rs 10,000 crores in the first week of January, 2013."*

10.3. In **Rabindra Nath Singh –Vs- Pappu Yadav case (2010 (3) SCC (Cri) 165** Hon'ble Supreme Court held that the High Court committed contempt of Court in not following the guidelines of Supreme Court in the concerned matter.

10.4. In **Legrand Pvt. Ltd . 2007 (6) Mh.L.J.146,** it is ruled as under;

> ***''9(c).*** *If in spite of the earlier exposition of law by the High Court having been pointed out and attention being pointedly drawn to that legal position, in utter disregard of that position, proceedings are initiated, it must be held to be a wilful disregard of the law laid down by the High Court and would amount to civil contempt as defined in Section 2(b) of the Contempt of Courts Act, 1971.''*

10.5. In **Badrakanta Mishra (1973) 1 SCC 446**, it is ruled as under;

> ***''15. The conduct of the appellant in not following the previous, decision of the High Court is calculated to create confusion in the administration of law. It will undermine respect for law laid down by the High Court and impair the constitutional authority of the High Court. His conduct is therefore comprehended by the principles underlying the law of Contempt. The analogy of the inferior court's***

> ***disobedience to the specific order of a superior court also suggests that his conduct falls within the purview of the law of Contempt****. Just as the disobedience to a specific order of the Court undermines the authority and dignity of the court in a particular case, similarly* ***the deliberate and malafide conduct of not following the law laid down in the previous decision undermines the constitutional authority and respect of the High Court****. Indeed, while the former conduct has repercussions on an individual case and on a limited number of persons, the latter conduct has a much wider and more disastrous impact****. It is calculated not only to undermine the constitutional authority and respect of the High Court, generally, but is also likely to subvert the Rule of Law 'and engender harassing uncertainty and confusion in the administration of law.''***

10.6. Full Bench in **Dwarikesh Sugar Industries Ltd. (1997) 6 SCC 450,** had condemned such practice and ruled as under;

> ***"JUDICIAL ADVENTURISM -*** *When a position, in law, is well settled as a result of judicial pronouncement of this Court, it would amount to judicial impropriety to say the least, for the subordinate Courts including the High Courts to ignore the settled decisions and then to pass a judicial order which is clearly contrary to the settled legal position - It should not be permitted to Subordinate courts including High Courts to not to apply the settled principles and pass whimsical orders granting wrongful and unwarranted relief to one of the parties to act in such a manner - The judgment and order of the High*

Court is set aside - The appellant would be entitled to costs which are quantified at Rs. 20,000.00.

It is unfortunate that the High Court did not consider it necessary to refer to various judicial pronouncements of this Court in which the principles which have to be followed while examining an application for grant of interim relief have been clearly laid down. <u>The observation of the High Court that reference to judicial decisions will not be of much importance was clearly a method adopted by it in avoiding to follow and apply the law as laid down by this Court."</u>

11. Legal position on section 16 of the Contempt of Courts Act, 1971 that Judge not following procedure laid down by the High Court & Supreme Court are guilty of contempt of court.

11.1. The counsel for victim gave all the case laws to the Respondent No. 1 but then also Respondent No. 1 refused to follow the binding precedents and acted against the binding precedents.

11.2. This Hon'ble Court in **<u>Legrand Pvt. Ltd. Vs. Union of India 2007 (6) Mh.L.J.146</u>,** it is ruled as under;

> ***"9(c).*** *If in spite of the earlier exposition of law by the High Court having been pointed out and attention being pointedly drawn to that legal position, in utter disregard of that position, proceedings are initiated, it must be held to be a wilful disregard of the law laid down by the High Court and would amount to civil contempt as defined in Section 2(b) of the Contempt of Courts Act, 1971."*

11.3. This Hon'ble Court in **Garware Polyster Ltd. Vs. State 2010 SCC OnLine Bom 2223,** it is ruled as under;

> ***"****Contempt of Courts Act – All the officers /authorities are bound to follow the procedure laid down by High Court in its judgment – The legal proceeding is initiated by the officer is against the judgment of High Court amounts to contempt of High Court – show cause notice is issued to Mr. Moreshwar Nathuji Dubey, Dy.Commissioner, LTU, Aurangabad, returnable after four weeks to show cause, as to why action under the provisions of the Contempt of Courts Act should not be initiated against him.****"***

11.4. In **Baradakant Mishra Vs. Registrar of Orissa High Court (1973) 1 SCC 374,** it is ruled as under;

> ***''15. The conduct of the appellant in not following the previous, decision of the High Court is calculated to create confusion in the administration of law. It will undermine respect for law laid down by the High Court and impair the constitutional authority of the High Court. His conduct is therefore comprehended by the principles underlying the law of Contempt. The analogy of the inferior court's disobedience to the specific order of a superior court also suggests that his conduct falls within the purview of the law of Contempt****. Just as the disobedience to a specific order of the Court undermines the authority and dignity of the court in a particular case, similarly **the deliberate and malafide conduct of not following the law laid down in the previous decision undermines the constitutional authority and respect of the***

> ***High Court****. Indeed, while the former conduct has repercussions on an individual case and on a limited number of persons, the latter conduct has a much wider and more disastrous impact****. It is calculated not only to undermine the constitutional authority and respect of the High Court, generally, but is also likely to subvert the Rule of Law 'and engender harassing uncertainty and confusion in the administration of law.''***

12. Jurisdiction of this Hon'ble Authority to pass order directing prosecution against a Judge as per Section 3(2) of the Judges Protection Act,1850 and Section 344 of Cr.P.C.:

12.1. That this Hon'ble Court in **Deelip Bhikaji Sonawne Vs. The State of Maharashtra MANU/MH/0073/2003** it has ruled as under

> ***"Criminal Procedure Code, 1973, Section 116 (4) Constitution of India, Article 21 (Indian) Penal Code, 1860, Section 342 Judges (Protection) Act, 1985, Section 3 (1) (2)--Deprivation of personal liberty-- The State Government directed to take appropriate action against Assistant Commissioner of Police for acting illegally and confining petitioner to jail without following procedure under the Criminal Procedure Code--Plea that ACP is entitled to protection under Judges (protection) Act-- is negatived owing to powers conferred on respective Government or the Supreme Court or the High Court or any other authority under S. 3 (2) of said Act. [Paras 6,7, 9 & 10]"***

12.2. That in **State of Maharashtra Vs. Kamlakar Bhavsar 2002 ALL MR (Cri) 2640,** it is ruled as under;

> *"Summary procedure for fabricating false evidence– High Court issued show cause notice to Advocate for accused, Additional public Prosecutor for State, PSI, Special. Judicial Magistrate calling explanation as to why they should notbe tried summarily for giving false evidence or fabricating false evidence.*
>
> ***56. The learned APP, Mr. Singhal also submitted that this Court should take action against all those who were concerned for fabrication of the dying declaration including the Judge of the Trial Court,*** *we have given consideration to the submissions regarding this prayer. The only contention of the respondents - accused through their Advocate was that there is no forgery or fabrication. We are disagreeing with the same and rejecting the same. There is more than sufficient material on record to hold that the dying declaration, Exhibit 40 is forged and fabricated in all respects.* ***So far as taking action is concerned it is true that the Trial Court committed serious lapses in that regard, however, it cannot be held that the Trial Court was a party to the conspiracy of fabrication of the dying declaration, it could be a bonafide mistake on the part of the Trial Court.***
>
> ***57.*** *However so far as Additional Public Prosecutor (Mr. B.A. Pawar), defence lawyer (Mr. B.J. Abhyankar), Dr. Narayan Manohar Pawar Civil Hospital, Nashik, PS1 Ramesh' Manobar Patil - Yeola City Police*

Station is concerned, action is required to be taken and also against Mr. P.V. Baviskar, Special Judicial Magistrate.

Issue show cause notice to Mr. B.J. Abhyankar, Advocate for the accused, Mr. B.A. Pawar, Additional Public Prosecutor, Dr. Narayan Manohar Pawar, Civil Hospital, Nashik, PSI Ramesh Manohar Patil, Yeola Police Station, and Mr. RS. Baviskar, Special Judicial Magistrate, Nashik, why action under Section 344 of the Criminal Procedure Code should not be taken against them and they should not be summarily tried for knowingly and willfully giving false evidence or fabricating false evidence with an intention that such evidence should be used in Trial Court, or in the alternative why they should not be prosecuted for offences under Sections 193, 196, 466, 471 and 474 read with 109 of Indian Penal Code. Show cause notice returnable on 12.12.2002 before the regular Division Bench.

All the papers of the Trial Court and the papers produced by the Medical Officer of Nashik should be kept in seal in the custody of the Registrar of this Court.

Issue show cause notice to Mr. B.J. Abhyankar, Advocate for the accused, Mr. B.A. Pawar, Additional Public Prosecutor, Dr. Narayan Manohar Pawar, Civil Hospital, Nashik, PSI Ramesh Manohar Patil, Yeola Police Station, and Mr. RS. Baviskar, Special Judicial Magistrate, Nashik, why action under Section 344 of the Criminal Procedure Code should not be taken against them and

they should not be summarily tried for knowingly and willfully giving false evidence or fabricating false evidence with an intention that such evidence should be used in Trial Court, or in the alternative why they should not be prosecuted for offences under Sections 193, 196, 466, 471 and 474 read with 109 of Indian Penal Code. Show cause notice returnable on 12.12.2002 before the regular Division Bench.

All the papers of the Trial Court and the papers produced by the Medical Officer of Nashik should be kept in seal in the custody of the Registrar of this Court."

12.3. That, in **K. Rama Reddy Vs. State 1998 (3) ALD 305** it is ruled as under;

***"7.** Though the report of the learned District and Sessions Judge at Karimnagar dated 30-10-1996 is a confidential one, as it was specifically referred to in the ground, and the appellants are aware of it and a copy of it is available in the records and bias is alleged against the learned District and Sessions Judge, Karimnagar, it is necessary to notice the said report. The relevant portions of it are as follows:*

***4.** My discreet enquiries revealed that the concerned Section Clerks, the I and II Additional District Judges, their Additional Public Prosecutors and the Advocates all have joined hands in tampering with these bail applications and the Registers.*

***5.** It is necessary to state here how the bail applications are registered, how they are made over to the Additional District Courts, and how the relevant entries of these applications are made in the concerned Registers.*

15. *The Modus Operandi is - the Advocate files a bail application falsely mentioning that the offence alleged against the accused is one under Section 307 I.P.C. After it was made over to any of the Additional District Courts, the figures '307' are altered to 302 in the bail application/s wherever 'the figures 307' occur. In case of offence u/s. 376 IPC, they file bail applications initially mentioning that the offence committed in one u/s. 354 IPC. After it was made over to any of the Addl. District Courts, the figures '354' are altered to '376' in the application/s.*

16. *The second mode of getting their bail applications made over to the Addl. District Courts is - they falsely give a number of an earlier bail application, which was made over to the disposed of by any of the Addl. District Judges.*

19. *By adopting these malpractices they used to get their bail applications made over to any of the Addl. District Courts of their choice, for reasons best known to them. The earlier bail application referred to by them in the bail application will have nothing to do with the present application. The staff of the Principal District Court will not have any opportunity to check the earlier application, as the earlier bail application mentioned by them would be in that Court only.*

20. *The concerned Advocates, Clerks of the Addl. District Courts, Additional Public Prosecutors joined hands in this racket and the role of the two Addl. District Judges cannot be ruled out in this murky affair.*

21. *The malpractices that were resorted to are apparent on the face of the records, and they are detailed below."*

8. *Thereafter, the learned District and Sessions Judge, Karimnagar dealt with specific cases.*

9. *What is apparent from this report dated 30-10-1996 is that certain devious methods were being adopted in the Sessions Court at Karimnagar by certain advocates with the connivance of the staff of the I and II Additional Sessions Courts and the Additional Public Prosecutors attached to those courts, and that the two Additional Sessions Judges at the relevant time were also parties aware of those devious methods employed mostly in matters relating to bails - C.C. No. 29 of 1997 relates to a land acquisition O.P. These devious methods polluted the streams of justice and necessitated urgent correctives and action in the interests of administration of justice. The occurrences were not isolated instances totally unconnected with one another there was a pattern in the modus operandi adopted, with minor variations. I am of the view that this background is very relevant in considering the contentions raised in these matters.*

64. *It is not necessary to minutely examine the facts mentioned in the orders and complaints in each of the cases and express views because the enquiry into the offences is still to be conducted and it would not be proper to pre-judge or prejudice the cases, as observed by the Supreme Court in MS Sheriffs case, AIR 1954 SC 397. The learned Counsel also did not take me through the facts of each of these cases.*

The facts mentioned in Calendar Case Nos. 1 and 4 of 1997 illustrate the methods employed in all these matters. In Calendar Case No. 1 of 1997 (in respect of which Criminal Appeal Nos. 275, 307 and 337 of 1997 have been preferred) the facts are stated as follows:

"Firstly, Sri S. Chandra Mohan, Advocate filed an application for bail on behalf of the accused No. 4 Sanjeev on 22-4-1996 in Cr.M.P. No. 884/96 and it was dismissed as not pressed on 30-4-1996 by the complainant. Again A1 (Appellant in Crl.A. No. 337/97) filed another bail application on 7-5-1996 in Cr.M.P. No. 961/96 on behalf of the same Sanjeev falsely mentioning the Cr. No. as 91/96 of Karimnagar, II Town u/s. 307 IPC and it was also dismissed by the complaint as not pressed on 9-5-1996. Again A2 (did not prefer appeal) filed another bail application in Cr.M.P. No. 992/96 on 13-5-1996 on behalf of the same Sanjeev (A4 falsely mentioning the Cr. No. as 96/96 of Karimnagar, II Town u/s. 307 IPC and it was also dismissed as no representation on 14-5-1996 by the complainant.

On or about 21-5-1996 all the accused and the I-Addl. Sessions Judge who was in charge of the II-Addl. Sessions Judge entered into criminal conspiracy to do all sorts of illegal acts in order to get their bail application made over to any of the Addl. Sessions Courts with a view to get favourable orders.

In pursuance of their criminal conspiracy suppressing the earlier three bail applications, which were dismissed by the

complainant earlier, A1 once again filed another bail application on behalf of A4 in Cr.M.P. No. 1086/96 on 21-5-1996 mentioning the Cr. No. as 91/96 falsely, instead of Cr. No. 97/96 u/s. 302. IPC, knowing that the said information is false and the earlier three bail application were dismissed, giving the impression that the bail application is filed for the first time.

A4, the petitioner in Cr.M.P. No. 1086/96 is not an accused either in Cr. No. 91/96 or Cr. No. 96/96 of Karimnagar, II-Town Police Station.

A1 and A2 who are advocates, are legally bound to state the truth, but they intentionally gave false information in a judicial proceeding viz., bail application, knowing fully well-that their statements are false and they thereby fabricated false evidence in a judicial proceeding. The I-Addl. Sessions Judge who was in charge of the District and Sessions Court and a party to the conspiracy, made over the bail application to the II-Addl. Sessions Court on 22-5-1996 and it was received by A3 (appellant in Crl. A. No. 307/97) on 23-5-1996.

Entries in respect of the Cr.M.P. No. 1086/96 are made in the Cr.M.P. Register and Diary of the Prl. Dist. Court and also in the Cr.M.P. Register of the II-Addl. Sessions Court as Cr. No. 91/96 in which originally the bail application was filed:

In pursuance of their criminal conspiracy after the bail application was made over to the II-Addl. Sessions Court, A3 who was the custodian of the bail application got the

application tampered with by altering the Cr. No. from 91/96 to 97/96 in the cause title, on the office note, on the docket sheet, memo of appearance and in the process payment form, which are records of the court, without lawful authority and thus fabricated and forged the records of a Court of Justice illegally with intent to commit fraud in relation to a judicial proceeding to make it appear that the application was originally filed in Cr. No. 97/96.

In pursuance of their conspiracy A5 and the I-Addl. Session Judge, who was in charge of the II-Addl. Sessions Judge helped A1, A2 and A4 by willfully, and intentionally ignoring the dismissal of earlier three bail applications and the alterations in the bail application and the said Judge granted bail to A4 on 27-5-1996. By using as genuine a tampered and forged bail application the petitioner (A4) has been granted bail and thus benefited."

66. *In Calendar Case No. 13 of 1997 (in respect of which Criminal Appeal Nos. 385 and 394 of 1997 have been preferred) the facts alleged are as follows:*

"on or about 7-8-1996 all the accused and Sri P. Thirupathi Reddy, the then II-Addl. Sessions Judge entered into a criminal conspiracy to do all sorts of illegal acts in order to get their bail application made over to the II-Addl. Sessions Court with a view to get favourable orders.

In pursuance of their criminal conspiracy A1 (1st appellant in Crl. Appeal No. 394/97) filed an application for bail in Cr.M.P. No. 1714/96 on 7-8-1996 on behalf of A4 and A5 furnishing a false Cr. No. 25/90 of P.S. Yellareddipet and a

false Cr.M.P. No. 1626/96, stating that was filed by their co-accused and were granted bail by the II-Addl. Sessions Court.

A1 and A5 have nothing to do with Cr. No. 25/90 u/ss. 148,-307T/IV.-149 IPC and Section 25/(1)(a) of Arms Act, 1959 of P.S. Yellareddipet and also with Cr.M.P. No. 1626/96.

Only with a view to get their bail application made over to the II-Addl. Sessions Court, A1 and A2 (2nd appellant in Crl. Appeal No. 394/97), for the benefit of their client, A4 and A5, furnished a false Cr. No. and Cr.M.P. No. in the bail application. A1 and A2, who are advocates, are legally bound to state the truth, but they intentionally furnished false information in the bail application, knowing fully well that their statement is false and the accused thereby fabricated false evidence in a judicial proceeding.

On account of the false statement made by the accused, the complainant was misled to make over the bail application to the II-Addl. Sessions Court for disposal.

After the bail application was made over to the II-Addl. Sessions Court, in pursuance of their criminal conspiracy A2 filed an application Cr.M.P. No. 334/96 on 8-8-1996 u/s. 482 Cr.P.C. to amend the Cr. No. 25/90 to 12 of 1994 in the bail application.

The then II-Addl. Sessions Judge and A3 (appellant in Crl. Appeal No. 385/97) helped the other accused by willfully and intentionally ignoring the false Cr.M.P. No. 1626/96, which has no connection either with A4 and A5 or the Crime in which they are involved. The II-Addl. Sessions

Judge, who is a party to the conspiracy, allowed the petition for amendment on 13-8—1996 and granted bail to A4 and A5. The II-Addl. Sessions Judge is being proceeded with departmentally and is now under suspension."

12.4. That, in **Govind Mehta Vs. State of Bihar (1971) 3 SCC 329** it is ruled as under;

"Cri. P.C. Sec. 197 – I.P.C. Sec. 167, 465, 466 and 471 – *Prosecution of a Judge who made interpolation in the order sheet – The appellant Judge made some interpolation in the order sheet to show that some orders had passed earlier – After enquiry ADJ sent report to District Magistrate for initiation of proceeding against appellant – Magistrate – The report of District Magistrate forwarded to state Govt., Who accorded sanction for prosecution – The senior District prosecutor filed a complaint in the court against appellant u.s. 167, 465, 466 471 of I.P.C. – Charges framed against appellant – The appellant raised objection that there is bar under sec. 195 of cri. P.C. in taking cognizance – Held – The proceeding against appellant the then Judge is valid and legal said proceeding not liable to be dropped."*

12.5. In the case of **State of Maharashtra, through Shri. S.S. Nirkhee District and Sessions Judge, Wardha Vs. R.A. Khan, Chief Judicial Magistrate, 1993 Cr. L.J. 816 (Bom) (DB)**,

"*It is found that the respondent Judge is guilty of Contempt of Court for passing order of bail by ignoring earlier view taken by the High Court."*

12.6. In the case of **State Vs. Rabindranath Singh, (2010) 6 SCC 417**, it is ruled as under;

"A High Court Judge passing order of bail in breach of Supreme Court's direction is guilty of Contempt of Court."

12.7. In **Superintendent of Central Excise Vs. Somabhai Ranchhodhichai Patel (2001) 5 SCC 65,** it is ruled as under;

> ***"(A) Contempt of Courts Act (70 of 1971), S.2 – The level of judicial officer's understanding can have serious impact on other litigants-*** *We do not know whether present is an isolated case of such an understanding? We do not know what has been his past record? In this view,* ***we direct that a copy of the order shall be sent forthwith to the Registrar General of the High Court.***
>
> ***Misinterpretation of order of Supreme Court - Civil Judge of Senior Division erred in reading and understanding the Order of Supreme Court -*** *Contempt proceedings initiated against the Judge - Judge tendered unconditional apology saying that with his limited understanding, he could not read the order correctly. While passing the Order, he inadvertently erred in reading and understanding the Order of Supreme Court - Supreme Court issued severe reprimand – Held, The officer is holding a responsible position of a Civil Judge of Senior Division. Even a new entrant to judicial service would not commit such mistake assuming it was a mistake - It cannot be ignored that the level of judicial officer's understanding can have serious impact on other litigants. There is no manner of doubt that the officer has acted in most negligent manner without any caution or care whatsoever- Without any further comment, we would leave this aspect to the disciplinary authority for appropriate*

*action, if any, taking into consideration all relevant facts. We do not know whether present is an isolated case of such an understanding? We do not know what has been his past record? In this view, we direct that a copy of the order shall be sent forthwith to the Registrar General of the High Court.**"***

13. Case Laws on the issue that such a Judge needs to be dismissed :-

13.1. In **Shrirang Waghmare Vs. State of Maharashtra (2019) 9 SCC 144,** it is ruled as under;

"5. *The first and foremost quality required in a Judge is integrity. The need of integrity in the judiciary is much higher than in other institutions. The judiciary is an institution whose foundations are based on honesty and integrity. It is, therefore, necessary that judicial officers should possess the sterling quality of integrity. This Court in Tarak Singh v. Jyoti Basu [Tarak Singh v. Jyoti Basu, (2005) 1 SCC 201] held as follows: (SCC p. 203)*

"Integrity is the hallmark of judicial discipline, apart from others. It is high time the judiciary took utmost care to see that the temple of justice does not crack from inside, which will lead to a catastrophe in the justice-delivery system resulting in the failure of public confidence in the system. It must be remembered that woodpeckers inside pose a larger threat than the storm outside."

6 [Ed.: Para 6 corrected vide Official Corrigendum No. F.3/Ed.B.J./105/2019 dated 6-11-2019.] . *The behaviour of a Judge has to be of an exacting standard, both inside and*

outside the court. This Court in Daya Shankar v. High Court of Allahabad [Daya Shankar v. High Court of Allahabad, (1987) 3 SCC 1 : 1987 SCC (L&S) 132] held thus: (SCC p. 1)

> *"Judicial officers cannot have two standards, one in the court and another outside the court. They must have only one standard of rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy."*

7. *Judges are also public servants. A Judge should always remember that he is there to serve the public. A Judge is judged not only by his quality of judgments but also by the quality and purity of his character. Impeccable integrity should be reflected both in public and personal life of a Judge. One who stands in judgments over others should be incorruptible. That is the high standard which is expected of Judges.*

8. *Judges must remember that they are not merely employees but hold high public office.* ***In R.C. Chandel v. High Court of M.P. [R.C. Chandel v. High Court of M.P., (2012) 8 SCC 58 : (2012) 4 SCC (Civ) 343 : (2012) 3 SCC (Cri) 782 : (2012) 2 SCC (L&S) 469]*** *, this Court held that the standard of conduct expected of a Judge is much higher than that of an ordinary person. The following observations of this Court are relevant: (SCC p. 70, para 29)*

> *"29. Judicial service is not an ordinary government service and the Judges are not employees as such.*

Judges hold the public office; their function is one of the essential functions of the State. In discharge of their functions and duties, the Judges represent the State. The office that a Judge holds is an office of public trust. A Judge must be a person of impeccable integrity and unimpeachable independence. He must be honest to the core with high moral values. When a litigant enters the courtroom, he must feel secured that the Judge before whom his matter has come, would deliver justice impartially and uninfluenced by any consideration. The standard of conduct expected of a Judge is much higher than an ordinary man. This is no excuse that since the standards in the society have fallen, the Judges who are drawn from the society cannot be expected to have high standards and ethical firmness required of a Judge. A Judge, like Caesar's wife, must be above suspicion. The credibility of the judicial system is dependent upon the Judges who man it. For a democracy to thrive and the rule of law to survive, justice system and the judicial process have to be strong and every Judge must discharge his judicial functions with integrity, impartiality and intellectual honesty."

9. *There can be no manner of doubt that a Judge must decide the case only on the basis of the facts on record and the law applicable to the case. If a Judge decides a case for any extraneous reasons then he is not performing his duty in accordance with law.*

> ***10.*** *In our view the word "gratification" does not only mean monetary gratification. Gratification can be of various types. It can be gratification of money, gratification of power, gratification of lust etc., etc. In this case the officer decided the cases because of his proximate relationship with a lady lawyer and not because the law required him to do so. This is also gratification of a different kind.*
>
> ***11.*** *The judicial officer concerned did not live up to the expectations of integrity, behaviour and probity expected of him. His conduct is as such that no leniency can be shown and he cannot be visited with a lesser punishment.*
>
> ***12.*** *Hence, we find no merit in the appeal, which is accordingly, dismissed.****"***

13.2. In **Muzaffar Husain Vs. State of U.P., 2022 SCC OnLine SC 567** it is ruled as under;

> ***"15.*** *In our opinion, showing undue favour to a party under the guise of passing judicial orders is the worst kind of judicial dishonesty and misconduct. The extraneous consideration for showing favour need not always be a monetary consideration. It is often said that "the public servants are like fish in the water, none can say when and how a fish drank the water". A judge must decide the case on the basis of the facts on record and the law applicable to the case. If he decides a case for extraneous reasons, then he is not performing his duties in accordance with law. As often quoted, a judge, like Caesar's wife, must be above suspicion."*

13.3. In **Umesh Chandra Vs. State 2006 (5) AWC 4519**, it is ruled as under;

> ***"If Judge is passing illegal order either due to negligence or extraneous consideration giving undue advantage to the party then that Judge is liable for action in spite of the fact that an order can be corrected in appellate/revisional jurisdiction - The acceptability of the judgment depends upon the creditability of the conduct, honesty, integrity and character of the officer and since the confidence of the litigant public gets affected or shaken by the lack of integrity and character of the Judicial Officer, in such cases imposition of penalty of dismissal from service is well justified***
>
> ***The order was passed giving undue advantage to the main accused - grave negligence is also a misconduct and warrant initiation of disciplinary proceedings - in spite of the fact that an order can be corrected in appellate/revisional jurisdiction but if the order smacks of any corrupt motive or reflects on the integrity of the judicial officer, enquiry can be held .***
>
> ***JUDICIAL OFFICERS - has to be examined in the light of a different standard that of other administrative officers. There is much requirement of credibility of the conduct and integrity of judicial officers - the acceptability of the judgment depends upon the creditability of the conduct, honesty, integrity and character of the officer and since the confidence of the litigant public gets affected or shaken by the lack of integrity and character of the judicial officer, in such***

cases imposition of penalty of dismissal from service is well justified - Judges perform a "function that is utterly divine" and officers of the subordinate judiciary have the responsibility of building up of the case appropriately to answer the cause of justice. "The personality, knowledge, judicial restrain, capacity to maintain dignity" are the additional aspects which go into making the Courts functioning successfully - the judiciary is the repository of public faith. It is the trustee of the people. It is the last hope of the people. After every knock of all the doors fail, people approach the judiciary as a last resort. It is the only temple worshipped by every citizen of this nation, regardless of religion, caste, sex or place of birth because of the power he wields. A Judge is being judged with more strictness than others. Integrity is the hallmark of judicial discipline, apart from others. It is high time the judiciary must take utmost care to see that the temple of justice does not crack from inside which will lead to a catastrophe in the justice delivery system resulting in the failure of public confidence in the system. We must remember woodpeckers inside pose larger threat than the storm outside

The Inquiry Judge has held that even if the petitioner was competent to grant bail, he passed the order giving undue advantage of discharge to the main accused and did not keep in mind the gravity of the charge. This finding requires to be considered in view of the settled proposition

of law that grave negligence is also a misconduct and warrant initiation of disciplinary proceedings.

The petitioner, an officer of the Judicial Services of this State, has challenged the order of the High Court on the administrative side dated 11.02.2005 (Annex.11) whereby the petitioner has been deprived of three increments by withholding the same with cumulative effect.

The petitioner, while working as Additional Chief Metropolitan Magistrate, Kanpur, granted bail on 29.06.1993 to an accused named Atul Mehrotra in Crime Case No. 3240 of 1992 under Section 420, 467, 468, I.P.C. Not only this, an application was moved by the said accused under Section 239, Cr.P.C. for discharge which was also allowed within 10 days vide order dated 06.08.1993. The said order of discharge was however reversed in a revision filed by the State According to the prosecution case, the accused was liable to be punished for imprisonment with life on such charges being proved, and as such, the officer concerned committed a gross error of jurisdiction by extending the benefit of bail to the accused on the same day when he surrendered before the Court. Further, this was not a case where the accused ought to have been discharged and the order passed by the officer was, therefore, an act of undue haste.

The then Chief Manager, Punjab National Bank, Birhana Road Branch, Kanpur Nagar made a complaint on the administrative side on 11.11.1995 to the then Hon'ble Chief Justice of this Court. The matter was entrusted to the

Vigilance Department to enquire and report. After almost four and half years, the vigilance inquiry report was submitted on 14.03.2002 and on the basis of the same the petitioner was suspended on 30th April, 2002 and it was resolved to initiate disciplinary proceedings against the petitioner. A charge sheet was issued to the petitioner on 6th September, 2002 to which he submitted a reply on 22.10.2002. The enquiry was entrusted to Hon'ble Justice Pradeep Kant, who conducted the enquiry and submitted a detailed report dated 06.02.2002 (Annex-8). A show cause notice was issued to the petitioner along with a copy of the enquiry report to which the petitioner submitted his reply on 19.05.2004 (Annex.10). The enquiry report was accepted by the Administrative Committee and the Full Court ultimately resolved to reinstate the petitioner but imposed the punishment of withholding of three annual grade increments with cumulative effect which order is under challenge in the present writ petition.

In Government of Tamil Nadu Vs. K.N. Ramamurthy, AIR 1997 SC 3571, the Hon'ble Supreme Court held that exercise of judicial or quasi judicial power negligently having adverse affect on the party or the State certainly amounts to misconduct.

In M.H. Devendrappa Vs. The Karnataka State Small Industries Development Corporation, AIR 1998 SC 1064, the Hon'ble Supreme Court ruled that any action of an employee which is detrimental to the prestige of the institution or employment, would amount to misconduct.

In High Court of Judicature at Bombay Vs. Udaysingh & Ors., A.I.R. 1997 SC 2286 the Hon'ble Apex Court while dealing with a case of judicial officer held as under:-

"Since the respondent is a judicial officer and the maintenance of discipline in the judicial service is a paramount matter and since the acceptability of the judgment depends upon the creditability of the conduct, honesty, integrity and character of the officer and since the confidence of the litigant public gets affected or shaken by the lack of integrity and character of the judicial officer, we think that imposition of penalty of dismissal from service is well justified."

This Court in Ram Chandra Shukla Vs. State of U.P. & Ors., (2002) 1 ALR 138 held that the case of judicial officers has to be examined in the light of a different standard that of other administrative officers. There is much requirement of credibility of the conduct and integrity of judicial officers.

In High Court of Judicature at Bombay V. Shirish Kumar Rangrao Patil & Anr., AIR 1997 SC 2631, the Supreme Court observed as under:-

"The lymph nodes (cancerous cells) of corruption constantly keep creeping into the vital veins of the judiciary and the need to stem it out by judicial surgery lies on the judiciary itself by its self-imposed or corrective measures or disciplinary action under the doctrine of control enshrined in Articles 235, 124 (6) of the Constitution. It would, therefore, be necessary that there should be

constant vigil by the High Court concerned on its subordinate judiciary and self-introspection.

When such a constitutional function was exercised by the administrative side of the High Court any judicial review thereon should have been made not only with great care and circumspection, but confining strictly to the parameters set by this Court in the aforesaid decisions.--------"

In Government of Andhra Pradesh Vs. P. Posetty, (2000) 2 SCC 220, the Hon'ble Supreme Court held that sense of propriety and acting in derogation to the prestige of the institution and placing his official position under any kind of embarrassment may amount to misconduct as the same may ultimately lead that the delinquent had behaved in a manner which is unbecoming of an employee/Government servant.

In All India Judges' Association Vs. Union of India & Ors., AIR 1992 SC 165, the Hon'ble Supreme Court observed that Judges perform a "function that is utterly divine" and officers of the subordinate judiciary have the responsibility of building up of the case appropriately to answer the cause of justice. "The personality, knowledge, judicial restrain, capacity to maintain dignity" are the additional aspects which go into making the Courts functioning successfully.

In Tarak Singh & Anr. Vs. Jyoti Basu & Ors., (2005) 1 SCC 201, the Hon'ble Supreme Court observed as under:-

"Today, the judiciary is the repository of public faith. It is the trustee of the people. It is the last hope of the people. After every knock of all the doors fail, people approach the

judiciary as a last resort. It is the only temple worshipped by every citizen of this nation, regardless of religion, caste, sex or place of birth because of the power he wields. A Judge is being judged with more strictness than others. Integrity is the hallmark of judicial discipline, apart from others. It is high time the judiciary must take utmost care to see that the temple of justice does not crack from inside which will lead to a catastrophe in the justice delivery system resulting in the failure of public confidence in the system. We must remember woodpeckers inside pose larger threat than the storm outside."

13.4. In **Jagat Jagdishchandra Patel Vs. State of Gujrat 2016 SCC OnLine Guj 4517,** it is ruled as under;

"Two Judges caught in sting opration – demanding bribe to give favourable verdict – F.I.R. registered – Two accused Judges arrested – Police did not file charge-sheet within time – Accused Judges got bail – complainant filed writ for transferring inverstigation.

Held, the police did not collected evidence, phone details – CDRS – considering apparent lapses on the part of police, High Court transferred investigation through Anti-Corruption Bureau.

A Constitution Bench of this Court in Subramanian Swamy v. Director, Central Bureau of Investigation & Anr. (2014) 8 SCC 682, reiterated that corruption is an enemy of the nation and tracking down corrupt public servants and punishing such persons is a necessary mandate of the Act 1988.

Not only this has a demoralising bearing on those who are ethical, honest, upright and enterprising, it is visibly antithetical to the quintessential spirit of the fundamental duty of every citizen to strive towards excellence in all spheres of individual and collective activity to raise the nation to higher levels of endeavour and achievement.

It encourages defiance of the rule of law and the propensities for easy materialistic harvests, whereby the society's soul stands defiled, devalued and denigrated.

Corruption is a vice of insatiable avarice for self-aggrandizement by the unscrupulous, taking unfair advantage of their power and authority and those in public office also, in breach of the institutional norms, mostly backed by minatory loyalists. Both the corrupt and the corrupter are indictable and answerable to the society and the country as a whole. This is more particularly in re the peoples' representatives in public life committed by the oath of the office to dedicate oneself to the unqualified welfare of the laity, by faithfully and conscientiously discharging their duties attached thereto in accordance with the Constitution, free from fear or favour or affection or ill-will. A self-serving conduct in defiance of such solemn undertaking in infringement of the community's confidence reposed in them is therefore a betrayal of the promise of allegiance to the Constitution and a condemnable

sacrilege. Not only such a character is an anathema to the preambular promise of justice, liberty, equality, fraternal dignity, unity and integrity of the country, which expectantly ought to animate the life and spirit of every citizen of this country, but also is an unpardonable onslaught on the constitutional religion that forms the bedrock of our democratic polity.

Both the Presiding Officers and two staff members were suspended by the Gujarat High Court and a first information report being I-C.R. No. 1 of 2015 came to be registered

The accused-judicial officers preferred Special Criminal Application, seeking a writ of mandamus, which ultimately came to be rejected by this Court on the ground that it was a large scale scam. The Court further observed in its prima facie conclusion that the officers have tarnished the image of the judiciary and the facts of the case are gross and disturbing.

Both the said accused were arrested and produced before the learned District and Sessions Judge. The regular bail application preferred by them came to be rejected and they were sent to the judicial custody. It is alleged that except the evidence furnished by the petitioner, no fresh evidence came to be collected by the respondent No. 2-Investigating Officer. The slipshod manner of investigation of the complaint led the petitioner to approach the High Court.

It is the grievance of the petitioner that due to improper investigation by an incompetent Police Officer, there are many more accused who are roaming freely in the society and no attempts have been made to arrest the seven advocates who were a part of this corruption racket. It is also their say that in a zeal to protect the erring officer, the remand of both the accused persons has not been sought for. The reason of unaccounted wealth received towards the illegal gratification has not been pressed into service for seeking remand. The deliberate lapse on the part of the respondent No. 2 has jeopardised the audio and video proof which have been tendered. The hard disk which is a preliminary evidence and the CD-a secondary evidence, have been ignored. The charge sheet ought to have been filed within a period of sixty days from the date of the arrest of the accused, which since was not done, it resulted into their release as they both have been given default bail. According to the petitioner, it was the duty of the respondent as well as the Registrar (Vigilance) to check the entire hard disk to find out other and further corrupt practices by the accused persons. Therefore, it is urged that the investigation be carried out by a person having impeccable integrity.

Dealing firstly with the first issue of remand, it is not in dispute that the remand of the accused who both are the judicial officers and allegedly involved in corrupt practice has not been sought for.

From the beginning it is the case of the complainant that the conduct, which has been alleged in the complaint has brought disrepute to the investigation. It is also his say that huge amount of illegal gratification had been demanded by both the judicial officers in the pending matters and, therefore, to presume that there was no material to seek remand, is found unpalatable. It is an uncontroverted fact that the Vigilance Officer (VO-II), who has filed his affidavit-in-reply, has retired during the pendency of the investigation. While he continued to act as Investigating Officer also, he could have conducted the investigation more effectively and with scientific precision. To be complacent and/or to presume anything while handling serious investigation cannot be the answer to the requirements of law. It though may not be said to be an attempt to save the accused, it surely is an act, which would raise the eye-brows, particularly when the investigation was at a very nascent stage against the judicial officers. Recourse of the society against all kinds of injustice and violation of law when is in the judiciary, all the more care would be essential when judicial officers themselves are alleged of demand of bribe for discharging their duties under the law. Not that remand in every matter is a must to be sought. But, the stand taken by the Investigating Officer to justify his stand leaves much to be desired.

At the time of hearing of this petition, when a specific query was raised as to why the charge sheet was not filed within the time frame, non-receipt of report from the Forensic Science Laboratory was shown to be one of the strongest grounds

Undoubtedly, in every criminal matter where the investigation is to be completed and the charge sheet is to be laid either within 60 days or 90 days, the report of the Forensic Science Laboratory does not necessarily form the part of the papers of the charge sheet. The Criminal Manual also provides for submission of the Forensic Science Laboratory report if not submitted with the charge sheet, at a belated stage.

It is not a sound reason put forth on the part of the Investigating Officer that the pendency of the Forensic Science Laboratory report had caused delay in filing the charge sheet.

Such time limit to place the charge sheet could not have gone unnoticed and that ought not to have furnished a ground for default bail when otherwise these officers were refused bail by the competent Court.

Even when the CD did not reveal giving of illegal gratification, but only demand, how could all other angles of this serious issues be left to the guesswork. To say that after the Special Officer (Vigilance) recorded the statement of the complainant and collected some material, nothing remained to be collected, is the

version of the Investigating Officer wholly unpalatable. After a thorough investigation, he would have a right to say so and the Court if is not satisfied or the complainant finds it unacceptable, he can request for further investigation under section 173(8) of the Code of Criminal Procedure. But, how could an Investigating Officer presume from the tenor of the complaint or the CD sent by the complainant about non-availability of the evidence.

To give only one example, it is unfathomable as to why the Investigating Officer failed to call CDRs in this matter.

In every ordinary criminal matter also, collecting of CDRs is found to be a very useful tool to prove whereabouts of parties and also to link and resolve many unexplained links. CDRs are held to be the effective tool by a Division Bench of this Court in one of the appeals, by holding thus:

"It would be apt to refer to certain vital details CDR, which known as Call detail record as also Call Data record, available on the internet [courtesy Wikipedia]. The CDR contains data fields that describe a specific instance of telecommunication transaction minus the content of that transaction. CDR contains attributes, such as [a] calling party; [b] called party; [c] date and time; [e] call duration; [f] billing phone number that is charged for the call; [g] identification of the telephone exchange; [h] a unique sequence number identifying

the record; [i] additional digits on the called number, used to route the call; [j] result of the call ie., whether the same was connected or not; [k] the route by which call left the exchange; [l] call type [ie., voice, SMS, etc.].

Call data records also serve a variety of functions. For telephone service providers, they are critical to the production of revenue. For law enforcement, CDRs provide a wealth of information that can help to identify suspects, in that they can reveal details as to an individual's relationships with associates, communication and behavior patterns and even location data that can establish the whereabouts of an individual during the entirety of the call. For companies with PBX telephone systems, CDRs provide a means of tracking long distance access, can monitor telephone usage by department; including listing of incoming and outgoing calls.

In a simpler language, it can be said that the technology can be best put to use in the form of CDRs which contains data fields describing various details, which also includes not only the phone number of the subscriber originating the call and the phone number receiving such call etc., but, the details with regard to the individual's relationships with associates, the behavior patterns and the whereabouts of an individual during the entirety of the call.

The whole purpose of CDR is not only to establish the number of phone calls which may be a very strong circumstance to establish their intimacy or behavioral conduct. Beyond that, such potential evidence also can throw light on the location of the mobile phone and in turn many a times, the position and whereabouts of the person using them with the aid of mobile phone tracking and phone positioning, location of mobile phone and its user is feasible. As the mobile phone ordinarily communicates wirelessly with the closest base station. In other words, ordinarily, signal is made available to a mobile phone from the nearest Mobile tower. In the event of any congestion or excessive rush on such mobile tower, there is an inbuilt mechanism of automatic shifting over to the next tower and if access is also not feasible there, to the third available tower. This being largely a scientific evidence it may have a material bearing on the issue, and therefore, if such evidence is established scientifically before the Court concerned, missing link can be provided which more often than not get missed for want of availability of credible eye-witnesses. We have noticed that in most of the matters these days, scientific and technical evidence in the form of Call Data Record is evident. However, its better and further use for the purpose of revealing and establishing the truth is restricted by not examining any witness nor bringing on record the situation of the mobile towers. Such kind of evidence, more

particularly in case of circumstantial evidence will be extremely useful and may not allow the truth to escape, as the entire thrust of every criminal trial is to reach to the truth."

25. With the nature of direct allegations of demand of illegal gratification by the judicial officers for disposition of justice, they would facilitate further investigation and also may help establishing vital links. No single reason is given for not collecting the CDRs during the course of investigation of crime in question. This Court has exercised the power to transfer investigation from the State Police to the CBI in cases where such transfer is considered necessary to discover the truth and to meet the ends of justice or because of the complexity of the issues arising for examination or where the case involves national or international ramifications or where people holding high positions of power and influence or political clout are involved.

The Apex Court in the said decision further observed that the purpose of investigation is to reach to the truth in every investigation. For reaching to the truth and to meet with the ends of justice, the Court can exercise its powers to transfer the investigation from the State Police to the Central Bureau of Investigation. Such powers are to be exercised sparingly and with utmost circumspection.

In Sanjiv Kumar v. State of Haryana and Others (2005) 5 SCC 517, where this Court has lauded the CBI as an

independent agency that is not only capable of but actually shows results:

CBI as a Central investigating agency enjoys independence and confidence of the people. It can fix its priorities and programme the progress of investigation suitably so as to see that any inevitable delay does not prejudice the investigation of the present case. They can think of acting fast for the purpose of collecting such vital evidence, oral and documentary, which runs the risk of being obliterated by lapse of time. The rest can afford to wait for a while. We hope that the investigation would be entrusted by the Director, CBI to an officer of unquestioned independence and then monitored so as to reach a successful conclusion; the truth is discovered and the guilty dragged into the net of law. Little people of this country, have high hopes from CBI, the prime investigating agency which works and gives results. We hope and trust the sentinels in CBI would justify the confidence of the people and this Court reposed in them.

Mere glance at these two documents also prima facie reveal hollowness of the investigation in criminal matter and this Court is further vindicated by these materials that the matter requires consideration.

It is certainly a case where the investigation requires to be conducted by a specialised agency which is well equipped with manpower and other expertise.

Some of the aspects where the said officer Ms. Rupal Solanki, Assistant Director, Anti-Corruption Bureau, needs to closely look at and investigate are:

"(i) The collection of CDRs of the accused and all other persons concerned with the crime in question.

(ii) Non-recordance of any statements of advocates and litigants by the then Investigating Officer except those which had been recorded by the Special Officer (Vigilance) at the time of preliminary investigation.

(iii) Investigation concerning various allegations of demand of illegal gratification by both the judicial officers and the details which have been specified in the CD, as also reflected in the imputation of charges for the departmental proceedings.

(iv) The issue of voice spectography in connection with the collection of the voice sample in accordance with law.

(v) The examination of hard disk/CPU by the Forensic Science Laboratory, which is in possession of the petitioner.

(vi) Investigation against all other persons who are allegedly involved in abetting this alleged crime of unpardonable nature.

(vii) All other facets of investigation provided under the law, including disproportionate collection of wealth which she finds necessary to reach to the truth in the matter."

14. Request: It is therefore humbly requested for;

i) Direction to appropriate authority and CBI to complete the formality of consultation with Hon'ble Chief Justice of India (CJI) as per the law laid down in the case of **K. Veeraswami Vs. Union of India (1991) 3 SCC 655,** and register an F.I.R. against accused Judge Dr. D.Y. Chandrachud and others :-

(a) under **Section 52, 109, 385, 409, 218, 219, 166, 385, 192, 193, 511, 120 (B), 34, Etc.** of Indian Penal Code for corruption and misusing the machinery of Supreme Court and public property and passing an extremely bogus order in to help his son's client even if he was disqualified to hear the case but he took the matter to himself and passed an unlawful order in a non existent issue with ulterior motive to facilitate the extortion in a multi crore scam;

(b) under **Section 52, 115, 302, 109, 304-A, 304, 409, 218, 219, 166, 201, 341, 342, 323, 336, 192, 193, 120 (B), 34, Etc.** of Indian Penal Code for their various acts of corruption, misuse of power as a Supreme Court Judge for giving wrongful profits of thousands of crores to vaccine companies causing wrongful loss of public money and abating, promoting, facilitating the offences of murders and other injuries causing lifetime disability to Lacs of people with full knowledge of his unlawful acts.

ii) Directions to appropriate authority to file a contempt petition in the Supreme Court as per law and ratio laid down in **Re: C.S. Karnan (20170 1 SCC 1,** against Justice Dr. D.Y.

Chandrachud and others for their willful disregard and defiance of the binding precedents of Hon'ble Supreme Court.

iii) Directions to Directorate of Enforcement(E.D.), Income Tax Department, **Central Vigilance Commission**, **Intelligence Bureau,** and all other agencies to investigate the links and commercial transactions of the accused with anti-national elements like Bill Gates, George Soros, and others who by their systematic and well-orchestrated conspiracy are involved in damaging the progress and wealth of the country with a further plan to commit mass murders (Genocide) and make people sicker and ultimately to make them slaves;

iv) OR IN ALTERNATIVE: -

To grant sanction and permission to the complainant to prosecute accused Judges Shri D.Y. Chandrachud and others for the offences disclosed in the present complaint or may be disclosed on the basis of further evidences disclosed;

v) Direction to appropriate authorities to make a request to the Hon'ble Chief Justice of India to exercise the powers as per **'In-House-Procedure'** as laid down in the case of **Additional District and Sessions Judge 'X' Vs. Registrar General (2015) 4 SCC 91,** and to forthwith withdraw the judicial works assigned to accused Judges and forward a reference of impeachment to dismiss the accused Judges;

vi) Direction to authorities of the department of law & justice the of Union of India to complete the formalities of sanction

within three months as per the time limit given in the case of **Vineet Narain Vs. Union of India (1998) 1 SCC 226** and **Subramanian Swamy Vs. Arun Shourie (2014) 12 SCC 344**;

vii) Appropriate consultation and request to Hon'ble Chief Justice of India to ask accused Judges to resign from their post as per 'In-House-Procedure' and as per the directions given and law laid by the Constitution Bench in the case of **K. Veeraswami Vs. Union of India (1991) 3 SCC 655**;

viii) Appropriate representation and request to Hon'ble Chief Justice of India to not to recommend the name of Justice D.Y. Chandrachud for the post of Chief Justice of India.

Date: 05.10.2022

Place: Mumbai

R. K. Pathan
President
Supreme Court & High Court
Litigants Association of India
(SCHCLA).