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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3297 OF 2025**

**INTERIM APPLICATION NO.3209 OF 2025**

**INTERIM APPLICATION NO. 2005 OF 2025**

**IN**

**CRIMINAL SUO MOTU CONTEMPT PETITION NO.1 OF 2025**

Nilesh C. Ojha .. Applicant

**In the matter between:**

High Court of Judicature at Bombay  
on its own motion .. Petitioner

Versus

Nilesh C. Ojha & Ors. .. Respondents

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Mr Darius Khambata and Dr Milind Sathe, Senior Advocates and Amici Curiae with Mr Gaurav Srivastav, Mr Aditya Mhase & Ms Rasika Satane, Advocates present.

Mr Nilesh C. Ojha, Respondent No.1 and Applicant in all Interim Applications appeared-in-person with Mr Vijay Kurle, Mr Ishwarlal Agarwal, Mr Partho Sarkar, Mr Abhishek Mishra, Ms Anushka Sonawane, Mr Devkrishna Bhambri, Mr Shivam Gupta, Mr Vikas Pawar, Ms Nicky Pokar, Ms Meena Thakur, Ms Priyanka Sharma, Ms Sonal Manchekar, Mr Sagar Ugle, Ms Nikita Kinjara, Mr Jayendra Manchekar.

Dr Birendra Saraf, Advocate General with Ms M. M. Deshmukh, Additional Public Prosecutor, for Respondent No.3-State.

Mr Anil C. Singh, Additional Solicitor General with Mr Aditya Thakkar, Ms Savita Ganoo, Mr D. P. Singh, Mr Dhaval Shethia, Mr Adarsh Vyas & Ms Rama Gupta, Advocates for Respondent No.2-UoI.

Mr Mahesh Pol with Ms Rutuja Joshi i/by Mr Prasad L. Gajbhiye, Advocates for Respondent No. 4-BCI.

Dr Uday Warunjikar with Mr Yogendra Rajgor, Advocates, for Respondent No.5-Bar Council of Maharashtra and Goa.

Mr Naushad Engineer, Senior Advocate with Mr Mukul Taly, Mr Ravikumar Kamble, Ms Shifa Quraishi i/by S. Mahomedbhai & Co., Advocates for Respondent No.6-The Bombay Bar Association.

Ms Gunjan P. Shah, Advocate for Respondent No.7-Advocates' Association of Western India.

Mr Naresh Thacker with Mr Tanmay Bhave i/by Economic Laws Practice, Advocates for Respondent No.8-Google LLC.

Mr Ashwin Thool with Mr Arshad Gada i/b Desai Desai Carrimjee & Mulla, Advocates for Respondent No. 9.

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**Date on which the judgment is reserved : 4<sup>th</sup> September 2025**

**Date on which the judgment is pronounced : 17<sup>th</sup> September 2025**

**CORAM: SHREE CHANDRASHEKHAR, CJ.,  
M. S. SONAK,  
RAVINDRA V. GHUGE,  
A. S. GADKARI &  
B. P. COLABAWALLA, JJ.**

**PER, SHREE CHANDRASHEKHAR, CJ.:**

INTERIM APPLICATION NO.3297 OF 2025

Before we proceed to deal with this Interim Application, it is necessary to have in mind the background in which Criminal Suo Motu Contempt Petition No.1 of 2025 was instituted against the applicant-contemnor. On 1<sup>st</sup> April 2025, the applicant-contemnor, namely, Nilesh C. Ojha held a press conference and made a statement that one of the judges (hereinafter, referred to as "X") constituting the Division Bench was disqualified from hearing the case because her sister was

an accused in the First Information Report filed by his client. That press conference was held by him in connection to Criminal Writ Petition No. 1612 of 2025 filed by Mr Satish Salian seeking an inquiry by the Central Bureau of Investigation into the incident of the death of his daughter in suspicious circumstances. The said writ petition was listed for hearing at serial no.15 on 2<sup>nd</sup> April 2025 before a Division Bench of this Court sitting in Court No.43 comprising of "X" and another Judge of this Court. The applicant-contemnor mentioned the matter in Court No.43 and apprised the Bench that the subject-jurisdiction of Criminal Writ Petition No.1612 of 2025 lies before another Bench and, accordingly, an order was passed by the Bench for taking steps by the Registry. In this background, taking cognizance of the conduct of the applicant-contemnor in holding a press conference on the eve of the hearing of the case and the utterances made by him in the press conference, the following order was passed on 8<sup>th</sup> April 2025 in Criminal Suo Motu Contempt Petition No. 1 of 2025 :

*"A video clip has been brought to the notice of this Court which shows that one Mr.Nilesh Ojha, Advocate held a press conference on 1<sup>st</sup> April 2025 in connection with Criminal Writ Petition No. 1612 of 2025 which was filed by him on behalf of one Mr.Satish Salian. The said writ petition was listed for hearing at Sr.No.15 on 2<sup>nd</sup> April 2025 before Division Bench comprising of Hon'ble Smt. Justice Revati Mohite-Dere and Hon'ble Justice Neela Gokhale. We have seen the video clip which was provided to us in a pen drive which was allegedly streamed on You Tube and ABP Majha. We have also perused the transcripts of the same. The said pen drive is marked Exhibit-A1 and the transcript is marked Exhibit-A2.*

*2. In the said press conference Mr.Nilesh Ojha, Advocate alleged that one of the sitting Judges viz. Hon'ble Smt. Revati Mohite-Dere is disqualified from hearing the Criminal Writ Petition No. 1612 of 2025 on the following grounds:*

(i) *Smt. Vandana Chavan is sister of the sitting Judge and is a member of Sharad Pawar NCP group and is an accused in the FIR lodged by him (his client).*

(ii) *They had applied for grant of sanction to prosecute the sitting Judge as well as the former Chief Justice of this Court for delaying the hearing in the case of Disha Salian. As no communication was received, the sanction is deemed to have been granted under Section 218 of the Bharatiya Nyaya Sanita, 2023. It has further been stated that office*

*of Hon'ble the President of India has orally informed the petitioner to prosecute the sitting Judge as well as the former Chief Justice of this Court and action is being taken to prosecute them.*

(iii) *The sitting Judge of this Court has committed forgery of the court records in the matter of one Chanda Kochar and in one another matter and the Petition No.6900 of 2023 is filed before this Court and the same is pending. Therefore, there is conflict of interest and apparent bias.*

3. *Mr.Nilesh Ojha, Advocate was under an obligation to make submissions, if so advised, with regard to recusal of the Judge before the Division Bench itself on the date of hearing i.e. 2<sup>nd</sup> April 2025, as it is for the Judge to recuse himself or herself from hearing the matter. However, instead of making submission before the Bench on 2<sup>nd</sup> April 2025, Mr. Nilesh Ojha, Advocate held a press conference on 1<sup>st</sup> April 2025. From perusal of the order sheet dated 2<sup>nd</sup> April 2025 passed in Criminal Writ Petition No. 1216 of 2025 which is marked Exhibit-A3, it is evident that Mr.Nilesh Ojha, Advocate on 2<sup>nd</sup> April 2025 has made a statement before the Division Bench that the Writ Petition pertains to a Bench of Hon'ble Justice Shri Sarang V. Kotwal, considering the reliefs sought for in the Petition. Thereupon, the Division Bench directed the Registry to take steps.*

4. *The statements in the press conference with regard to the recusal of a sitting Judge of this Court appear to have been made deliberately to scandalize the authority of the Court and a Judge of this Court. The act of publishing interviews prima facie amounts to scandalizing this Court by making scandalous and defamatory allegations against a Judge of this Court. The statements also tend to lower the authority of the Court and such allegations also interfere with due course of judicial proceedings. The manner in which the said statements have been made and uploaded on You Tube and ABP Majha, certainly amounts to causing obstruction in the Administration of Justice. The statements of Mr.Nilesh Ojha, Advocate are ex facie*

*contemptuous and amounts to interference in the administration of justice and in the course of judicial proceedings.*

*5. We are satisfied that the statements made by Mr.Nilesh Ojha, Advocate prima facie constitute criminal contempt under the Contempt of Courts Act, 1971.”*

2. This Interim Application has been filed by Nilesh C. Ojha who is an advocate and the respondent-contemnor in Criminal Suo Motu Contempt Petition No.1 of 2025. He has also filed Interim Application No.2005 of 2025 seeking his discharge from the proceedings in the said criminal contempt case. To support his prayer for discharge, he has pleaded additional facts and produced many judgments through Interim Application No. 3209 of 2025. In the present Interim Application, the applicant-contemnor seeks to implead “X”, the so-called complainant, who is a sitting Judge of this Court as a party-respondent in the discharge petitions vide Interim Application Nos.2005 of 2025 and 3209 of 2025. According to the applicant-contemnor, it is necessary to implead “X” as a party-respondent in the aforementioned discharge petitions so that she files her affidavit affirming the allegations made against him. In that context, the applicant-contemnor relies on the decisions in “*Sundeep Kumar Bafna*”<sup>1</sup>, “*C.S. Rowjee*”<sup>2</sup>, “*S. P. Gupta*”<sup>3</sup> and other decisions. In this Interim Application, the applicant-contemnor has formulated the prayers in the following manner:-

*“(a) To direct that the complainant Judge, Smt. Revathi Mohite Dere, be impleaded as a necessary party-respondent in Discharge Petitions bearing I.A. Nos.2005 of 2025 and 3029 of 2025, as per ratio laid down in the case of *Sundeep Kumar Bafna V. State of Maharashtra*, (2014) 16 SCC 623, and other binding precedents where it is*

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1 “*Sundeep Kumar Bafna v. State of Maharashtra & Anr*” (2014) 16 SCC 623

2 “*C. S. Rowjee & Ors. v. State of Andhra Pradesh & Ors.*” (1964) SCC Online SC 71

3 “*S. P. Gupta & Ors. v. Union of India*” (1993) 4 SCC 441

*categorically ruled that a discharge application, which has the effect of terminating the prosecution, cannot be decided without issuing notice to and hearing the de facto complainant i.e. Smt. Justice Revathi Mohite Dere.*

*(b) To record a finding that, since the Applicant has made serious allegations against the complainant Judge, Smt. Revathi Mohite Dere, namely, that she has played fraud upon the Hon'ble Chief Justice and this Hon'ble High Court, and has made a false and frivolous complaint against the Applicant with the ulterior motive of falsely implicating him in a criminal contempt case so as to shield herself from anticipated prosecution arising out of her own bias and mala fides, as detailed in the affidavits filed in I.A. Nos. 2005 and 3029 of 2025, it is therefore imperative, in view of the binding precedents laid down in C.S. Rowjee v. Andhra Pradesh State Road Transport Corporation, AIR 1964 SC 962; S.P. Gupta v. Union of India, AIR 1982 SC 149; Re: Justice C.S. Karnan, (2017) 7 SCC 1; and Express Newspapers (P) Ltd. v. Union of India, (1986) 1 SCC 133, that such allegations must be specifically and personally rebutted by the concerned Judge herself by filing a counter affidavit. In the absence of a clear and categorical denial on affidavit by the complainant Judge, this Hon'ble Court is bound to treat the allegations of mala fides as deemed admitted and legally established, and consequently to accept the version set forth by the Applicant as the true and correct account of the case. Any affidavit filed by a third party, or explanations given by the State Law Officers, would constitute hearsay and is inadmissible in law. Accordingly, issuance of notice to the complainant Judge, Smt. Revathi Mohite Dere, directing her to submit a reply affidavit to the said allegations, is mandatory.*

*(c) Further, to record a finding that, in view of the binding precedents in S.P. Gupta v. Union of India, AIR 1982 SC 149; Re: Justice C.S. Karnan, (2017) 7 SCC 1; Sudhir M. Vora v. Commissioner of Police, 2004 SCC OnLine Bom 1209; and Kannapan v. Abbasthe, 1986 Cr.L.J. 1022, the State Law Officers, including the Advocate General, cannot represent a Judge in relation to allegations of personal misconduct or bias, since such matters fall wholly outside the ambit of their official duties. Nor can they depose to or answer facts which are exclusively within the personal knowledge of the concerned Judge. Accordingly, the complainant Judge, Smt. Revathi Mohite Dere, is under a non-delegable duty to appear through an advocate of her own choice and to personally file a reply affidavit, specifically dealing with and rebutting the allegations on record. Failing which, a necessary adverse inference must be drawn against the Learned Judge that the allegations of bias, mala fides, and false implication of an advocate stand deemed admitted and established in law.*

*(d) Issue additional direction to the Registry, in line with the law laid down by the Hon'ble Supreme Court in P.K. Ghosh v. J.G. Raiput, (1995) 6 SCC 744, and State of Punjab v. Davinder Pal Singh Bhullar, (2011) 14 SCC 770, to call for a reply and explanation from the complainant Judge, Smt. Revathi Mohite Dere, in respect of the serious allegations supported by affidavit and documentary we have be evidence placed on record by the Applicant in his Reply-cum-Statement of Defence, filed as I.A. No. 3092 of 2025 and I.A. No. 2005 of 2025 in Suo Motu Contempt Petition No. 1 of 2025, as well as the allegations raised in the present Application.*

*(e) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the interests of justice.”*

3. The applicant-contemnor states that the impleadment of “X” and an affidavit by her to affirm the allegations made against him in the present proceedings are necessary to protect his fundamental rights and her rights as well. The applicant-contemnor seeks impleadment of “X” as a party-respondent to cross-examine her to vindicate his position that the statements made by him in the press conference are matters of record. He stresses on the conduct of “X”, which according to him, would relieve her from the position of a Judge and make her liable to undergo the judicial proceedings so as to provide an opportunity to him to exercise his right of defence. He states that such measures are imperative to uphold the rule of law and to preserve the confidence of the general public in the administration of justice. The applicant-contemnor has made specific pleadings to support this Interim Application for impleading “X” as a party-respondent in the present proceedings. The applicant-contemnor states that “X” deliberately and dishonestly suppressed crucial facts in her complaint dated 4<sup>th</sup> April 2025. He takes a swipe at “X” and states that the complaint dated 4<sup>th</sup> April 2025 was drafted with *mala fide* intent and ulterior motive to misuse the

machinery of the High Court and the whole object was to falsely implicate him and such conduct of “X” constitutes offence under sections 211, 192, 193, 209, 466, 196, 471, 474 and 479 of the Indian Penal Code which correspond to sections 248, 228, 229, 246, 337, 227, 240(2), 339 and 316(5) of the Bharatiya Nyaya Sanhita, 2023. In this Interim Application which is spread over 100 pages, the applicant-contemnor has referred to about 50 judgments of the Hon’ble Supreme Court. In paragraph no.20 of this Interim Application, the applicant-contemnor has referred to as many as 33 judgments, such as; (a) “*Re: C. S. Karnan*” (2017) 7 SCC 1; (b) “*In, R. C. Pollard v. Satya Gopal Mazumdar*” 1943 SCC OnLine Cal 153; (c) “*K. C. Chandy v. R.Balakrishna Pillai*” AIR 1986 Ker 116; (d) “*Baradakant Mishra v. Registrar of Orissa High Court*” (1973) 1 SCC 374; (e) “*Smt. Prabha Sharma v. Sunil Goyal and Ors.*” (2017) 11 SCC 77; (f) “*Legrand Pvt. Ltd.*” 2007 (6) Mh. L.J.146; (g) “*Govind Mehta v. State of Bihar*” (1971) 3 SCC 329; (h) “*K. Rama Reddy v. State*” 1998 (3) ALD 305; (i) “*Raman Lal v. State*” 2001 Cri. L. J. 800; (j) “*Jagat Jagdishchandra Patel v. State of Gujrat*” 2016 SCC OnLine Guj 4517; (k) “*Shrirang Yadavrao Waghmare v. State*” (2019) 9 SCC 144; (l) “*Muzaffar Husain v. State*” 2022 SCC OnLine SC 567; (m) “*S.P. Gupta v. Union of India*” 1981 Supp SCC 87; (n) “*State of Punjab v. Davinder Pal Singh Bhullar*” (2011) 14 SCC 770; (o) “*Campaign for Judicial Accountability and Reforms v. Union of India*” (2018) 1 SCC 196; (p) “*Santosh Chandrashekhar Shetty v. Ameeta Santosh Shetty*” 2017 SCC OnLine Bom 9938; (q) “*R.R. Parekh v. High Court of Gujrat*” (2016) 14 SCC 1; (r) “*Superintendent of Central Excise v.*

*Somabhai Ranchhodhbhai Patel*” AIR 2001 SC 1975; (s) “*Umesh Chandra v. State of Uttar Pradesh & Ors.*” 2006 (5) AWC 4519 ALL; (t) “*Harish Arora v. The Dy. Registrar*” 2025 SCC OnLine Bom 2853; (u) “*Arnab Ranjan Goswami v. Maharashtra State Legislative Assembly*” 2020 SCC OnLine SC 1100; (v) “*H. Syama Sundara Rao v. Union of India*” 2006 SCC OnLine Del 1392; (w) “*Prominent Hotels v. New Delhi Municipal Corporation*” 2015 SCC OnLine Del 11910; (x) “*Re: M. P. Dwivedi*” (1996) 4 SCC 152; (y) “*Priya Gupta v. Additional Secretary*” (2013) 11 SCC 404; (z) “*Tata Mohan Rao, v. S. Venkateswarlu*” 2025 INSC 678; (aa) “*State Bank of Travancore v. Mathew K.C.*” (2018) 3 SCC 85; (bb) “*Prem Kaur v. State*” (2013) 14 SCC 653; (cc) “*Vijay Shekhar v. Union of India*” (2004) 4 SCC 666; (ee) “*Sama Aruna v. State of Telangana*” (2018) 12 SCC 150; (dd) “*Manohar Lal v. Ugrasen*” (2010) 11 SCC 557; (ee) “*Prem Kaur v. State*” (2013) 14 SCC 653; (ff) “*Kamisetty Pedda Venkata Subbamma Chinna Kummagandla Venkataiah*” (2004) SCC Online AP 1009. To see how he supports the prayer for impleadment of “X”, we would extract a few statements made by him which read as under:-

*“36.3. This principle applies with full force to the complainant Judge, Smt. Revathi Mohite Dere, in the present case. The Applicant has placed on record sworn allegations that the said Judge has falsely implicated him, acted with bias, malice and ill-will, and thereby violated his fundamental rights. In such a situation, the position of law declared by the Constitution Benches is crystal clear: the Learned Judge cannot claim privilege, immunity, or any presumption of correctness in respect of her complaint. On the contrary, she is legally bound to come forward, on oath, and submit to the same standards of scrutiny as any other litigant.*

*36.4. Accordingly, the Learned Judge is bound in law to file a personal reply affidavit, specifically and categorically dealing with each of the allegations made*

*against her. Any omission or evasive response would be legally impermissible. The Supreme Court has time and again emphasized that allegations of mala fides and bias must be met with clear, direct, and specific denials by the person concerned; in the absence of such denials, the allegations are deemed to stand admitted.*

*36.24. Applying this ratio to the present case, the situation is on an even stronger footing. The allegations made against the Ld. Judge, Smt. Revathi Mohite Dere, are not only general complaints but are specific charges of malice, bias, ill-will, and deliberate misuse of judicial power-allegations that go to the root of judicial integrity and breach of judicial oath. In law, such allegations cannot be brushed aside, nor can they be countered by silence, vague denials, or institutional defenses. The only permissible and legally valid course is for the Ld. Judge herself, being the complainant and the person against whom mala fides are alleged, to file a direct and specific reply affidavit. Unless such a rebuttal is placed on record, the binding precedents mandate that these allegations stand deemed admitted.”*

4. In this factual matrix, the first question that requires to be considered is whether the person who supplies information to the High Court or the Chief Justice about the contumacious conduct of a person can be said to be a complainant. Exquisitely related another question in that context would be whether such a person who supplied the information to the Chief Justice is a necessary or proper party in this proceeding. The applicant-contemnor has labeled the information dated 4<sup>th</sup> April 2025 as a complaint made to the Chief Justice. He repeatedly asserts that the said information given to the Chief Justice is a complaint by “X” out of a personal grudge against him nurtured by her. The Contempt of Courts Act, 1971 does not use the word complainant or informant. Section 2(d) of the Code of Criminal Procedure, 1972 defines complaint to mean any allegation made orally or in writing to a “Magistrate” with a view to his taking action

under the Code that some person whether known or unknown has committed an offence. This Act is intended at securing a feeling of confidence of the general public in due and proper administration of justice. This special jurisdiction is exercised when an act or conduct of a person adversely affects the administration of justice or tends to impede the course of justice or tends to shake the public confidence in the judicial institutions. This jurisdiction may also be exercised when the act or conduct of a person adversely affects the dignity of the Court. The contumacious conduct of a contemnor may or may not fall under the category of offence under any penal statute but the person supplying information to the Chief Justice can not be said to be the complainant or informant. The communication dated 4<sup>th</sup> April 2025 is a simple information to the Chief Justice of what was being streamed on YouTube and ABP Mazha. There is no reference of any allegation made by “X” against the applicant-contemnor in the order dated 8<sup>th</sup> April 2025 and it was the decision of five Judges of this Court constituting the Bench that a criminal contempt proceedings has been instituted against the applicant-contemnor. The proceedings under the Contempt of Courts Act are quasi-judicial in nature and it is the conduct of a person falling under the definition of civil or criminal contempt as defined under clauses (b) and (c) to section 2 that is the focal point in the contempt proceedings. In a *suo motu* criminal contempt proceedings as is the case in any *suo motu* proceeding, the Court can seek assistance of any person, expert or advocate but the person who brings to the notice of the High Court or the Chief Justice the contumacious conduct of the contemnor

cannot be added as a party-respondent for the purpose of his cross-examination. He is not treated as a complainant or considered a necessary or proper party in the contempt proceedings.

5. Though strictly not applicable in a contempt proceedings, the parameters for addition of a party as envisaged under the Code of Civil Procedure, 1908 may also provide an important insight to solve the legal issue involved in this case. Examining from all the angles, “X” is not a person in whose absence the issue in controversy cannot be decided or, that, even if the controversy can be adjudicated the decision shall not be complete and effective. Definitely, “X” is not a necessary party or even a proper party in the present criminal contempt proceedings. There is no *lis* between the contemnor and the person who supplies such information to the Chief Justice. The person who supplies information to the Chief Justice regarding contumacious material and conduct of a person which in his opinion are intended to scandalize the Court or constitute an attempt to obstruct due administration of justice may or may not have any grievance against such person. Even if that person is said to have any grievance or an inference can be drawn that he would have such a grievance because the contemnor attempted to mount a personal attack on him, the act of supplying information to the Chief Justice by that person can only be construed as a benevolent act bringing information to the knowledge of the Chief Justice. The decision in “*Sundeep Kumar Bafna*” on which the applicant-contemnor placed reliance was rendered in an entirely different fact-situation. The *ratio-decidendi* in the said

case does not touch upon the impleadment of a sitting Judge as a party-respondent in a contempt proceeding. It was held that the terms ‘custody’, ‘detention’ or ‘arrest’ are sequentially cognate concepts. It further held that a complainant or informant or aggrieved party has no vested right to conduct the prosecution. This decision reflects on the common law principle of precedent which is engrafted under Article 141 of the Constitution of India. The decision in “*Rustom Cavasjee*”<sup>4</sup> or the other decisions also do not help the applicant-contemnor in his endeavor to implead “X” as a party-respondent in the criminal contempt proceedings.

6. The insistence of the applicant-contemnor that the decisions in “*Pritam Pal*”<sup>5</sup> and “*C. K. Daphtary*”<sup>6</sup> are *per incurium* is an attempt by him to mislead this Court. The conduct of the applicant-contemnor in making the same and similar submissions on the binding nature of the decisions in “*Pritam Pal*” and “*C.K. Daphtary*” is an act of professional misconduct and amounts to contempt of Court. The decisions in “*Pritam Pal*” and “*C.K. Daphtary*” are binding precedents and still hold the field. In “*Vijay Kurle*”<sup>7</sup>, in which the applicant-contemnor appeared in-person, an argument was raised that in later decisions the Hon’ble Supreme Court distinguished the decisions in “*Pritam Pal*” and “*C.K. Daphtary*” and took a different view and statutorily/ impliedly/expressly overruled those decisions but that argument was not accepted by the Hon’ble Supreme Court.

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4 “*Rustom Cavasjee Cooper v. Union of India*” (1970) 1 SCC 248

5 “*Pritam Pal v. High Court of Madhya Pradesh, Jabalpur through Registrar*” (1993) Supp (1) SCC 529

6 “*C.K. Daphtary & Ors. v. O. P. Gupta & Ors.*” (1971) 1 SCC 626

7 “*Vijay Kurle, In Re & Ors.*” (2021) 13 SCC 616

7. A judgment on the point is “*Biman Basu*”<sup>8</sup> wherein the Hon’ble Supreme Court held that any person may move the High Court for initiating the proceeding for contempt by placing the material facts to the notice of the Court and once such facts are placed before the Court it becomes a matter between the Court and the contemnor. “*Biman Basu*” makes a significant decision inasmuch as it holds that the person filing an application or a petition does not become a complainant or a petitioner in the contempt proceedings. This position in law was reiterated in “*Vijay Kurle*” wherein the Hon’ble Supreme Court held that any person can inform the Court of the contempt committed by a person. Elaborating upon the procedure how cognizance of such information is taken by the Court, it was held that the Court can take *suo motu* notice of the contempt on the basis of information supplied to it and it is not necessary to array the person supplying information to the High Court or the Chief Justice as a party in *suo motu* proceedings. In “*Vijay Kurle*”, the Hon’ble Supreme Court held as under :-

*“45. Contempt is basically a matter between the court and the contemnor. Any person can inform the court of the contempt committed. If he is to be arrayed as a party then the contempt will be in his name but when the court does not array him as a party, the court can on the basis of the information itself take suo motu notice of the contempt. In the present case, the Court on the basis of the information itself took suo motu note of the contempt and the matter was then placed before the Hon’ble the Chief Justice for listing it before the appropriate Bench. The matter has been listed as a suo motu contempt petition right from the beginning and dealt with as such.”*

8. The applicant-contemnor has taken a stand that the learned Advocate General or any other Law Officer

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8 *“Biman Basu v. Kallol Guha” (2010) 8 SCC 673*

representing the State of Maharashtra cannot appear in this criminal contempt proceedings because the allegations made by him against “X” are about her personal misconduct which shall fall outside their official duty. In course of the hearing, the applicant-contemnor did not press the prayer at clause (c) to the extent that he has no objection to the presence of the learned Advocate General or the other Law Officers in the present proceedings. However, he raised an objection to the presence of the learned *Amici Curiae*. The applicant-contemnor states that their appearance in the present proceedings would cause serious prejudice to him. We are surprised at such a stand taken by the applicant-contemnor who is supposed to understand and, indeed, he understands the significance, need and importance of an *Amicus Curiae* who participates in a Court proceedings on the request of the Court. A contempt proceeding is essentially a matter between the contemnor and the Court and there lies a need for an advocate who can assist the Court on legal aspects of the case. There is no statement made in this Interim Application to the effect that the learned *Amici Curiae* made any incorrect statement in the Court or their acts reflected any hostility towards the applicant-contemnor. The prayer seeking impleadment of “X” and asking the Court not to engage the learned *Amici Curiae* are misconceived and hence, rejected.

9. Interim Application No.3297 of 2025 is dismissed.

10. But there is something more in this Interim Application and that aspect cannot be left untouched. In this Interim Application, the applicant-contemnor has used the expressions like ‘forgery’, ‘perjury’, ‘bias’, ‘discriminatory

conduct', 'suppression', 'destruction and distortion of material facts', 'deliberately', 'dishonestly', 'squandering public resources', 'conspiracy to forge and manipulate Court record', 'indulging in the act of malice', 'disqualified to continue in the judicial office', 'gross misconduct', 'breach of the oath of the office', 'unbecoming of judicial office', etc. in paragraph nos.11, 12, 13, 17, 19 20, 21, 34, 36.24, 53, 54 and 55. The other paragraphs in this Interim Application refer to the formal statements, such as, 'tendering of unconditional apology', 'crucial facts' and 'the decisions rendered in different cases', the gist of those reported cases, etc. The applicant-contemnor gives three reasons to support his allegations that "X" deliberately and dishonestly suppressed crucial facts in the complaint dated 4<sup>th</sup> April 2025 and states that she was fully aware that the disclosure of such facts would have prevented the Hon'ble Chief Justice from taking cognizance of the incident afresh. He referred to several decisions and pleads that the complaint dated 4<sup>th</sup> April 2025 was drafted with *mala fide* intent and for an ulterior purpose and such conduct of "X" constitutes several offences. He supports his allegations against "X" and states that it is the solemn duty of the High Court, on its administrative side, to immediately take corrective measures by withdrawing all judicial work from "X" forthwith. Because this is necessary and indispensable to ensure that no litigant is subjected to prejudice or compelled to appear before "X" whose impartiality, fairness and integrity stand compromised. The use of scandalous and scurrilous expressions is spread across the entire text of this Interim Application but we do not intend to reproduce all those

paragraphs and, in fact, that would not be necessary at this stage when we are examining the matter with the purpose of only taking a *prima-facie* view. By way of illustration, we would extract only few statements made by the applicant-contemnor in the Interim Application No. 3297 of 2025 which read as under :-

*“11. That upon receipt of the said complaint from the High Court Registry, the undersigned filed a detailed affidavit (I.A. No. 3095 of 2025), demonstrating, on the basis of undisputed and conclusive documentary evidence, that the Ld. Judge had herself committed offences of forgery, perjury, and contempt of court, with the ulterior objective of granting relief to undeserving accused persons, including politically connected accused belonging to a party in which her real sister is a prominent leader. These matters concern extremely serious offences, such as misappropriation of thousands of crores of public funds and conspiracy to murder a police officer.*

*12. Further details have been furnished in the said affidavit to show the hostile, biased, and discriminatory conduct of the Ld. Judge against the ruling Bhartiya Janata Party, and her undue favour and benevolence extended towards the opposition party, in which her real sister, Smt. Vandana Chavan, holds a leadership position.*

*13. That the undisputed material on record conclusively proves that the allegations made by the undersigned are true and supported by judicial records. On the other hand, the complaint dated 04.04.2025 filed by the Ld. Judge is false, frivolous, and a deliberate attempt to implicate an advocate who is an officer of the Court by suppression, distortion, and twisting of material facts, with a view to mislead the Hon'ble Chief Justice and to secure initiation of criminal contempt proceedings. The said act was motivated solely by the ulterior purpose of shielding herself from impending prosecution and of harassing the undersigned so as to obstruct him from pursuing lawful action against her.*

*19. Furthermore, the conduct of the Ld. Judge in acting in conspiracy to forge and manipulate court records, and in proceeding with the cases in derogation of binding precedents of the Hon'ble Supreme Court, squarely attracts liability for both Civil Contempt and Criminal Contempt, punishable under Sections 2(b), 2(c), and 12 of the Contempt of Courts Act, 1971. Such conduct, being an abuse of judicial office, renders the concerned Judge liable to be punished with the maximum punishment prescribed under law, as categorically upheld in C.S. Karnan, In re,*

*(2017) 2 SCC 756; Baradakant Mishra Vs. Registrar of Orissa High Court (1973) 1 SCC 374; Smt. Prabha Sharma Vs. Sunil Goyal and Ors. (2017) 11 SCC 77; Superintendent of Central Excise Vs. Somabhai Ranchhodhbhai Patel AIR 2001 SC 1975, Prominent Hotels Vs. New Delhi Municipal Corporation 2015 SCC OnLine Del 11910, Re: M. P. Dwivedi (1996) 4 SCC 152; Priya Gupta vs. Additional Secretary (2013) 11 SCC 404, State Bank of Travancore Vs. Mathew K.C., (2018) 3 SCC 85, Tata Mohan Rao, Vs. S. Venkateswarlu, 2025 INSC 678*

*20. It is a settled and well-entrenched principle of law that Judges who indulge in acts tainted by bias, mala fides, or abuse of their exalted office are guilty of "Legal Malice", "Grossest Judicial Dishonesty", "Fraud on Power", "Judicial Adventurism", and "Perversity", all of which constitute conduct wholly "unbecoming of a Judge". Such acts stand far outside the ambit of judicial error and fall squarely within the domain of willful misconduct.*

*This category of misconduct amounts to "Proved Misbehaviour" within the meaning of Article 124(4) and Article 124(5) of the Constitution of India, read with Article 218, thereby attracting the constitutional process of impeachment. A Judge who betrays the solemn trust reposed in her by indulging in acts of malice, dishonesty, or abuse of power commits a "Breach of the Oath of Office", whereby every Judge is bound to discharge duties without fear or favour, affection or ill will, and to uphold the Constitution and the laws with utmost fidelity.*

*The Hon'ble Courts have consistently ruled that such judicial misconduct is not a matter of mere impropriety but strikes at the heart of judicial independence and public confidence in the justice system. Errant Judges of this kind have been described in authoritative pronouncements as "ill-tuned instruments fitted in the court hall", whose continuance on the Bench imperils the very foundation of public faith in the judiciary.*

*The logical and necessary consequence of such conduct is twofold:*

- (i) Immediate disciplinary and penal action-including invocation of contempt, initiation of criminal prosecution where applicable, and institution of proceedings before the competent forums; and*
- (ii) Administrative and constitutional measures-including withdrawal of all judicial work from such a Judge forthwith, followed by the initiation of the constitutionally mandated process of removal from judicial office.*

*In sum, a Judge who descends to such levels of misconduct not only renders herself incompetent and disqualified to continue in judicial office, but also becomes a violator of the fundamental rights of litigants under Articles 14 and 21 of the Constitution. The preservation of*

*judicial purity, integrity, and accountability demands no lesser response than decisive action against such proven misbehaviour.”*

11. The choice of words and the language used in this Interim Application are defamatory and the extent of the impact that the expressions used in this Interim Application shall have is similar to the Willmot’s effect.<sup>9</sup> The statements made by the applicant-contemnor seem to be intended at scandalizing the Court in such a way as to create distrust in the people’s mind and impair the confidence of the people in the Court and the Judge. This is not mere writing of scandalous, scurrilous and contemptuous expressions in this Interim Application which constitutes criminal contempt but the act, conduct and endeavor of the applicant-contemnor to create a general dissatisfaction in the minds of people about the judicial determination by “X” also *prima-facie* seem to obstruct the administration of justice. The scurrilous attack on the integrity and honesty of “X” is calculated to cause irreparable harm to the reputation and character of “X” who was seized with a case on the judicial side. The attempt by a person to target a Judge is one of the ways to hinder or obstruct the due administration of justice in the Courts. It seems to us that by filing this Interim Application, the applicant-contemnor intended to cause embarrassment to “X” and to deter her from discharging her judicial functions. The expressions used in several paragraphs of this Interim Application are disparaging in character and derogatory to the dignity of “X” who is a sitting Judge of this High Court. The

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<sup>9</sup> “*King v. Davies*” (1906) 1 KB 32

*“Attacks upon the Judges excite in the minds of the people a general dissatisfaction with all judicial determinations ... and whenever man’s allegiance to the laws is so fundamentally shaken it is the most fatal and dangerous obstruction of justice and in my opinion calls out for a more rapid and immediate redress than any other obstruction whatsoever: not for the sake of the Judges as private individuals but because they are the channels by which the King’s justice is conveyed to the people.”*

use of such expressions against a sitting Judge of this Court *prima-facie* tends to scandalise the authority of the Court. The personal attack on the impartiality and fairness of “X” while discharging judicial functions are a direct attack on the character of “X” and *prima-facie* causes prejudices and intends to interfere with the judicial processes.

12. *Prima-facie*, we are of the opinion that the statements made in this Interim Application tend to interfere with the proper administration of law and justice. The derogatory statements made against a sitting Judge of this Court offend the dignity of the Court and are calculated to undermine the confidence of the public in the integrity of the Judge. The act of making wild allegations against “X” in this Interim Application is squarely covered under the definition of and constitutes “criminal contempt”<sup>10</sup>. In “*Rustom Cavasjee Cooper*”, the Hon’ble Supreme Court cautioned such persons who embark on the path of criticism observing that those who err in their criticism by indulging in vilification of the institution of Courts, administration of justice and the instruments through which the administration acts, should take heed for they will act at their own peril.

13. The Contempt of Courts Act, 1971 defines a “criminal contempt” under clause (c) of section 2 to mean publication whether by words spoken or written or by signs or by visible representation or otherwise of any matter or the doing of any other act whatsoever which (i) scandalises or tends to

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<sup>10</sup> (c) “criminal contempt” means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which—  
(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any Court; or  
(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or  
(in) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

scandalise, or lowers or tends to lower the authority of any Court; or (ii) prejudices or interferes or tends to interfere with the due course of any judicial proceeding; or (iii) interferes or tends to interfere with or obstructs or tends to obstruct the administration of justice in any other manner. The expressions used under clause (c) to section 2 give definite idea about the sweep and width of the jurisdiction of the Hon'ble Supreme Court and the High Courts to take cognizance of the pleadings of the parties and initiate a proceeding for criminal contempt because the expressions or the use of words in the pleadings may scandalise or tend to scandalise or lower or tend to lower the authority of the Court. We have no doubt in our mind that it is the duty of the Court and such powers are vested in the Court to protect itself against ill-founded and unwarranted attacks. The obligation lies on every person and rests more upon the members of the Bar that a Judge is not attacked in a veil of fair criticism in a manner which would create distrust against the Judge in the minds of the public or a section of the society. It would erode public confidence in the judicial system and undermine the authority of the Court if we ignore the conduct of a person designed to or suggestive of creating unnecessary controversy in the Court. Every litigant has a right to present his case by all fair and honorable means but he must exercise restraint in using intemperate language in the pleadings and/or during arguments in the Court. When the conduct of an advocate tends to bring the authority and administration of the law into disrespect and disregard, it amounts to scandalizing the Court and must be held as undue interference in the administration

of justice. Every Court of record has the power of summarily punishing for contempt. About a century and quarter years back in the past, Lord Morris<sup>11</sup> observed that; “the power summarily to commit for contempt is considered necessary for the proper administration of justice”.

14. The applicant-contemnor states on the oath that “X” has a hostile, biased and discriminatory attitude against a political party and she showered undue favor and benevolence to the party in opposition in which her sister holds a position. He claims that the statements made by him against “X” are based on undisputed materials on record and conclusively prove that the allegations made by him are true and supported by the judicial precedents. He raised an argument that the statements made in this Interim Application are matters of record and true and correct. The applicant-contemnor insisted that the statements made by him in the press conference are not scandalous in nature as held by the Hon’ble Supreme Court in a catena of judgments and, that, the suo motu contempt proceedings against him should not continue. However, we are not proposing to elaborate upon the issue whether the initiation of the criminal contempt proceedings and institution of criminal contempt case are a valid and sound exercise of the powers by this Court. In our opinion, these issues must be left open at this stage and can be decided when this Court takes a final decision in the Criminal Suo Motu Contempt Petition No.1 of 2025. In fact, by an order dated 7<sup>th</sup> August 2025 this Court indicated to him and put this to his notice that the discharge petitions filed by him shall

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11 *“McLeod v. St. Aubyn”* (1899) AC 549

be considered at the final stage and not in piecemeal.

15. We have bestowed our careful considerations to the pleadings in this Interim Application and have kept in mind the test when a Judge is targeted in his personal or judicial capacity and an attempt is made to defame him. We have also taken note of the statements made by the applicant-contemnor that a Judge who acts with bias, *mala fide* intention and abuses his exalted office is guilty of legal malice, grossest judicial dishonesty, fraud on power, judicial adventurism, perversity and his conduct is unbecoming of a Judge and liable for impeachment. The conduct of the applicant-contemnor in attempting to castigate the character of “X” does not seem to be done in the exercise of the right of fair and reasonable criticism. He does not seem to be treading on a “*public way*”<sup>12</sup>. The applicant-contemnor who is an advocate by profession has adequate understanding of the law. He seems to know the possible consequences and, therefore, repeatedly writes in this Interim Application that his submissions or any expressions used by him should be treated as inadvertent mistake and not as casting aspersions on this Bench. He beseeches this Court to act with magnanimity and fairness and offers his unconditional apology in advance on account of his inadvertent mistake and states that his whole effort is directed to secure accountability of the acts of “X”, who according to him, misused her position to falsely implicate him. He further avers that such submissions he is making with utmost ‘candor’ and, that, his grievances are confined exclusively to the conduct of “X”.

<sup>12</sup> *Ambard v. Attorney General for Trinidad and Tobago* (1936) AC 322.

*“The path of criticism”, said Lord Atkin is a public way. The wrong-headed are permitted to err therein; provided that members of the public abstain from imputing motives to those taking part in the administration of justice and are genuinely exercising a right of criticism and not acting in malice, or attempt to impair the administration of justice, they are immune.”*

Quite clearly, the applicant-contemnor seems to have a private grudge against “X” because on the information provided by her to the Chief Justice, the present Criminal *Suo Motu* Contempt proceedings have been initiated against him.

16. The offensive, scurrilous and scandalizing remarks made by the applicant-contemnor in this Interim Application are of such magnitude that this Court forms a *prima-facie* opinion that the applicant-contemnor has made himself liable for criminal contempt. We, therefore, take *suo motu* cognizance of the disparaging and scandalous statements made by the applicant-contemnor in this Interim Application and are inclined to issue notice to the applicant-contemnor, namely, Nilesh C. Ojha who filed this Interim Application with a *vakalatnama* in favor of Mr Abhishek N. Mishra.

17. The applicant-contemnor has taken sole responsibility of drafting this Interim Application but the others who joined him in this adventure can also be held guilty and committed to contempt. As indicated in the order dated 4<sup>th</sup> September 2025, Mr Vijay Kurle, Mr Ishwarlal Agarwal, Mr Partho Sarkar, Mr Abhishek N. Mishra, Ms Anushka Sonawane, Mr Devkrishna Bhambri, Mr Shivam Gupta, Mr Vikas Pawar, Ms Nicky Pokar, Ms Meena Thakur, Ms Priyanka Sharma, Ms Sonal Manchekar, Mr Sagar Ugle, Ms Nikita Kinjara and Mr Jayendra Manchekar, the advocates who appeared along with the applicant-contemnor, namely, Nilesh C. Ojha, are also required to answer for their conduct. These advocates while appearing in this proceeding with the applicant-contemnor must be held equally liable ( refer, In Re: “*Sanjiv Datta, Deputy Secretary, Ministry of Information and Broadcasting, New Delhi*

& Ors”<sup>13</sup>). These advocates have committed professional misconduct inasmuch as they have lent support in their capacity as an advocate to a party appearing in-person. While a party to the litigation may assist his learned counsel in the proceedings before the Court, an advocate who is on the rolls of the State Bar Council is prohibited from appearing in the Court as assisting counsel to a party in-person. Unmindful of their professional obligation and duties under the rules framed by the Bar Council of India, these advocates appeared in the Court proceedings and gave their appearances in the present proceedings as an advocate for the applicant-contemnor who appears in-person.

18. However, we are not inclined to proceed against them at this stage and Mr Vijay Kurle, Mr Ishwarlal Agarwal, Mr Partho Sarkar, Mr Abhishek N. Mishra, Ms Anushka Sonawane, Mr Devkrishna Bhambri, Mr Shivam Gupta, Mr Vikas Pawar, Ms Nicky Pokar, Ms Meena Thakur, Ms Priyanka Sharma, Ms Sonal Manchekar, Mr Sagar Ugle, Ms Nikita Kinjara and Mr Jayendra Manchekar, the advocates, who appeared along with the applicant-contemnor, namely, Nilesh C. Ojha are let off with a warning to remain alive at all times to their professional duties and bearing in mind that what may be lawful and proper for a member of the society may still not be proper or rather improper for them.

19. For the aforesaid reasons, the Office is directed to register a Criminal Suo Motu Contempt Case against the applicant-contemnor, namely, Nilesh C. Ojha. He shall file his statement of defence within four weeks as to why a charge be

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13 *“Sanjiv Datta, Deputy Secretary, Ministry of Information and Broadcasting, New Delhi & Ors.”* (1995) 3 SCC 619

not framed against him under the Contempt of Courts Act, 1971 and he be not punished for committing contempt of Court.

20. Post the matter on 16<sup>th</sup> October 2025.

**(CHIEF JUSTICE)**

**(M. S. SONAK, J.)**

**(RAVINDRA V. GHUGE, J.)**

**(A. S. GADKARI, J.)**

**(B. P. COLABAWALLA, J.)**