

SUPREME COURT OF INDIA

Before :- G.T. Nanavati and S.N. Phukan, JJ.

Contempt Petition No. 311 of 1992 in Civil Appeal No. 89 of 1992. D/d. 16.11.1999

Padmahasini @ Padmapriya - Appellant

Versus

C.R. Srinivas - Respondent

For the Respondent :- Mr. C.R. Srinivas, In-Person.

JUDGMENT

G.T. Nanavati, J. - This *suo moto* contempt proceeding against the respondent was initiated in 1992. While hearing Civil Appeal No. 89 of 1992 filed by his wife against the respondent, this Court came across the counter filed by him before the Additional Family Court at Madras in I.A. No. 103 of 1992 in O.P. No. 1038 of 1988. It appeared to this Court that by making the statements contained in paragraphs 3 and 9 of the counter the respondent has committed contempt of this Court. Therefore, a notice was issued and he was called upon the show cause why action should not be taken against him for committing contempt of this Court.

2. A technical objection was taken by the respondent that the notice given to him did not clearly indicate against what the respondent was called upon to show cause. Therefore, a fresh order containing those statements was passed in his presence on 11.3.1992. By that order the respondent was again called upon to file his explanation on or before 10.4.1992. Further hearing was adjourned from time to time either because the respondent was not intimated about the date of hearing or because he did not or could not remain present on the date of hearing or because this Court could not hear it on that day. After considering the explanation, this Court on 24.2.1995 decided to issue 'Rule'. Fresh notice under Rule 6 and in Form No. 1 was issued and the respondent was called upon to show cause why he should not be punished for committing criminal contempt. Earlier, the then Solicitor General Mr. Deepankar Gupta was requested to assist the Court, but on his ceasing to be the Solicitor General he stopped appearing in this case after 12.8.1996. It appears from the various orders passed thereafter that no other law officer was requested to assist the Court and, therefore, none appeared before this Court on any of those occasions and only the respondent used to appear in the Court. Ultimately we were able to hear this case finally on 19.7.1999.

3. The statements made by the respondent and which, according to the notice issued to him constitute contempt of Court are contained in paragraphs 3 and 9 of his counter filed before the Family Court at Madras and read as under :

Para 3 "I further submit that without any change in circumstances of the said issue or whatsoever, before the Hon'ble Supreme Court, except the change in the Division Bench by the replacement of Honourable Mr. M.M. Punchhi by Hon'ble Mr. Justice

Kuldip Singh, who has thwarted justice, flouted law, denigrated the face of the judiciary and ridiculed the sanctity of the Mandatory provisions and established dictates of law on 14.1.1992 by questioning me first of all as to how I can claim maintenance from my affluent wife by being a male and a husband, thus clearly manifesting intentions and depicting the mind of the learned Judge against my lawful claim, violating Article 14 of the Constitution and also Section 24 of the Hindu Marriage Act, thus falling into contempt. His Lordship Hon'ble Mr. Justice Kuldip Singh was totally responsible for making this unlawful clarification regarding the prosecution of the main O.P. through mis-use of power and authority."

Para 9 "Only exhibited unilateral bent of mine in favour of the petitioner, forgetting for a while that the Supreme Court is only a trustee\interpreter\guardian\Saviour\preserver of law and justice to dispense the same without fear or favour and impartially, since law is superior to judiciary. Hence the Supreme Court cannot surpass law."

4. As can be seen from the record the respondent had filed his explanation on 7.4.1992. It appears therefrom that the respondent had serious grievance against Mrs. Nalini Chidambaram who had appeared for his wife in the appeal referred to above. It was his feeling that Mrs. Nalini Chidambaram had "continued her foul-play through her tricks and pranks to the extent of inciting Hon'ble Mr. Justice Kuldip Singh" to make remarks which had the affect of humiliating and ridiculing him in open Court without any justification. According to him, the learned Judge after hearing the submissions of Mrs. Nalini Chidambaram, had vehemently clinched his fist and jumped out of his seat, abused and accused him in the open Court for claiming interim maintenance from his affluent actress-wife while being a male and the husband and further preached that it is the duty of a male and the husband, irrespective of his indigency and the wife's affluence, to maintain his wife. Therefore, in his counter which he filed before the Family Court thereafter, he made the aforesaid offending statements in order to indicate that he was going to move for transfer of the proceedings pending in that Court. Before us he submitted that it was not his intention to allege anything against this Court and that he had merely criticized the attitude of the learned Judge and the remarks made by him. He also submitted that criticism of a Judge with respect to his attitude or the remarks made by him even while hearing a case cannot amount to contempt of Court.

5. Though it appears to us that the respondent was very much disturbed because of the strained relationship with his wife and the manner in which Civil Appeal No. 89 of 1992 was pursued in this Court by her though her lawyer, in our opinion, he transgressed the limits of fair criticism when he made the above quoted offending statements. The offending statements made in paragraph 3 and the implications thereof have the effect of conveying that the learned Judge had acted with bias and was partial to the other side. By alleging that the learned Judge had "thwarted justice, flouted law, denigrated the face of the judiciary and ridiculed the sanctity of the mandatory provisions and established dictates of law", the respondent has by implication attributed ulterior motive to the learned Judge. Fair criticism is that which while criticizing the act of a Judge does not impute any ulterior motive to him. The respondent by alleging that on extraneous considerations and by misusing the power and authority of a Judge, the learned Judge had made the aforesaid remarks against him and also made an uncalled for clarification with respect to the "main O.P.", has gone beyond the permissible limits of fair criticism and committed contempt of this Court. In paragraph 9 of the above

quoted offending statements he has further stated by implication that the Supreme Court has not dealt with his case impartially and in accordance with law. This remark has the tendency to scandalize the Court and, therefore, by making that statement he has committed contempt of this Court. It is, therefore, not possible for us to accept his explanation or the submissions made by him. He has to be held guilty for having committed contempt of this Court.

6. Though we have found the respondent guilty of having committed the contempt of this Court, we do not think that this is a fit case in which a strict view should be taken for imposing punishment. Considering the disturbed state of mind of the respondent, the background in which he made the offending statements and the long lapse of time after initiation of this contempt proceeding and also the changed circumstances disclosed by the respondent, we are of the opinion that ends of justice would be met if only a fine of Rs. 250\ - is imposed upon the respondent.

7. We accordingly hold the respondent guilty of having committed contempt of this Court and impose upon him a fine of Rs. 250\ -. This Contempt Petition is disposed of accordingly.