

# SUPREME COURT OF INDIA

Dr. Sarita Parikh

Vs.

Union of India (UOI)

(Altamas Kabir, G.S.Singhvi and H. L. Dattu JJ.)

27.10.2010

## ORDER

1. On 20th August, 2009, we had issued a *Suo Motu Contempt Rule*, since numbered as *Suo Motu Contempt Petition (Crl.) No. 7 of 2009*, against Dr. Sarita Parikh, Ms. Annette Kotian and Ms. Leila David and the same was duly served on them. Ms. Pavithra Murali, who was the fourth contemnor in the earlier contempt proceedings, is alleged to have left for the United Kingdom and has not yet been apprehended. On the returnable date, on behalf of the three contemnors a letter was received by the Registry indicating that they had contracted Chikungunya and required some time to appear in Court in connection with the contempt case. On the basis of the said letter, the matter was adjourned till 13th July, 2010, when they were directed to be personally present at 3.30 p.m. On the said date, only Ms. Annette Kotian appeared while Dr. Sarita Parikh and Ms. Leila David remained absent. Ms. Kotian was directed to file her affidavit to the *Suo Motu Contempt Petition* within 12 weeks from the date of the order. As far as Dr. Sarita Parikh and Ms. Leila David are concerned, bailable warrants were issued against them which were made returnable on 26th October, 2010. When the matter was taken up on 26th October, 2010, none of the contemnors were present. On the other hand, an Office Report dated 25th October, 2010, was submitted enclosing copies of two letters. The first letter is dated 25th October, 2010, addressed to the Registrar of this Court by the Additional Commissioner of Police (Crimes), Mumbai. In his said letter, the Officer concerned has made a half-hearted attempt to explain as to why the bailable warrants could not be executed against Dr. Sarita Parikh and Ms. Leila David. The explanation given, besides being very casual in its approach, also reveals the scant regard that a high ranking officer of the Mumbai Police Force has for the Supreme Court and its orders. In the case of Ms. Leila David, it has been mentioned that an attempt was made to execute the warrant against her at 22, West View, 5th Floor, 1st Pasta Lane, Colaba, Mumbai, but the house was found to be in a locked condition and had been so for three years. The matter was allowed to rest after making an inquiry from the Chairman of the Housing Society who informed the police officers concerned that he had no knowledge either of Ms. Leila David or her whereabouts.

2. As far as Dr. Sarita Parikh is concerned, a similar explanation was sought to be given that after making inquiries from the mother of the contemnor, they came to learn that she was

working with Tribals and visiting different places in India and that she hardly ever visited her mother. Nothing else was done to try and locate the contemnor.

3. Except for the above, the communication received from the Additional Commissioner of Police (Crimes), Mumbai, does not indicate whether any other steps were taken or were intended to be taken in the matter.

4. We find it extremely difficult to accept that had it been their intention, the Mumbai Police authorities would not have been able to execute the warrants against the three contemnors. However, for reasons best known to them, the Mumbai Police did not execute the same. Such an attitude shown by the Additional Commissioner of Police (Crimes), Mumbai, in respect of the orders passed by the Supreme Court is completely unacceptable and we, therefore, have no alternative but to issue non-bailable warrants against Dr. Sarita Parikh and Ms. Leila David, which are to be executed by the Additional Commissioner of Police (Crimes), Mumbai, and the said two contemnors are to be produced before this Court on 23rd November, 2010 at 3.30 p.m. The Director General of Police, Maharashtra and the Commissioner of Police, Mumbai, shall also ensure that this order is duly executed.

5. In addition to the aforesaid letter, another letter addressed to the Hon'ble the Chief Justice of India dated 25th October, 2010, alleged to have been written by Dr. Sarita Parikh and sent by Fax has also been annexed with the Office Report. In the said letter, threats have been held out to some of the Judges of the Bombay High Court, which we cannot ignore. Although, the said threats appear to have been made by a mentally disturbed person, we are not also ready to arrive at such a conclusion as we have seen Dr. Sarita Parikh's performance in Court when she had represented her case in-person along with the others. Moreover, since the threats are directed against Judges of the Bombay High Court, it is all the more important that they be taken note of seriously.

6. We, accordingly, direct that along with the copy of this order, a copy of the letter addressed to the Chief Justice of India on 25th October, 2010, purportedly by Dr. Sarita Parikh be sent by the Registry to the Director General of Police, Maharashtra, immediately. A copy of the same may also be forwarded to the Commissioner of Police, Mumbai and the Additional Commissioner of Police (Crimes), Mumbai, who are directed to conduct an investigation/inquiry into the threats contained in the said letter and to submit a report to this Court on 23rd November, 2010. Let the non-bailable warrants be forwarded to the Additional Commissioner of Police (Crimes), Mumbai, within a week from date for execution.