

SUPREME COURT OF INDIA

Prakash Kakubhai Rangwala

Vs.

Nyayalay Karamachari Anne N.H.S.

Crl.A.No. ... of 2011

(Mukundakam Sharma and Anil R. Dave JJ.)

19.04.2011

ORDER

1. Delay condoned.

2. This appeal is directed against the judgment and order dated 21.1.2010 passed by the Division Bench of the Bombay High Court in suo moto criminal contempt petition No. 135/2009. By the aforesaid order passed, the Division Bench has held that the Appellant herein is guilty of criminal contempt punishable under Section 12 of the Contempt of Courts Act, 1971. By the said order, the High Court imposed a sentence on Appellant to suffer simple imprisonment for a period of three months and to pay a fine of ` 5,000/- and in default thereof, to undergo simple imprisonment of 15 days. By the same order, the Division Bench also stayed the operation of the impugned judgment and order for a period of 10 weeks.

3. Being aggrieved by the aforesaid order, the Appellant filed the present appeal on which notice was issued and operation of impugned judgment and order was also stayed until further orders. On service of notice, the State of Maharashtra has entered appearance. The matter is now placed for final arguments and, therefore, we have heard the Appellant, who appears in person as also the Counsel appearing for the Respondent.

4. One of the main contentions that is raised by the Appellant herein is with regard to the plea of issuance of notice in the contempt petition being barred by limitation. In support of the said contention, the Appellant has referred to the provisions of

Section 20 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India.

5. Section 20 provides that no Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. The Appellant states that the letter was written by him containing alleged insinuation against the judge of the Bombay High Court in a letter dated 15.10.2007 and, therefore, the notice which was also issued by the High Court initiating action for commission of offence of contempt on 3.12.2009 is barred by limitation. Counsel appearing for the State, however, has drawn our attention to the letter which was sent by the Nyayalaya Karmachari Anne Nayayadish Hitkari Sangh, Swar Gate, Pune, to the High Court on 17.8.2009. According to him the said letter was the basis of drawing up the contempt proceedings by the High Court taking suo moto action on the basis of that.

6. The Appellant has also filed an affidavit subsequent to a statement made before us that he would like to file an affidavit in this Court for which we had given him permission by our order dated 14.3.2011. On perusal of the said letter it also transpires that the letter of the Appellant dated 17.8.2009 was placed before the Administrative Judges Committee in the meeting held on 4.11.2009 and the Administrative Judges Committee directed the Registry to place the matter before the appropriate Bench taking assignment of criminal contempt petition as per roaster. It is also indicated in the said letter dated 3.12.2009 that as per roaster, the matter was assigned to the Single Judge Bench. The Single Judge directed the Registry to treat the said letter as suo moto criminal contempt petition and place it before the Court. These facts would, therefore, indicate and establish that the decision of initiation of proceedings under the Contempt of Courts Act, 1971 was taken on 3.1.2009 when notice was issued and, therefore, it is established from the records that the aforesaid suo moto issuance of notice for the offence of contempt on 3.12.2009 is within the period of limitation of one year.

7. Even otherwise, we may appropriately refer to the decision of this Court in *Pallav Seth v. Custodian and Ors.* reported in: (2001) 7 SCC 549 wherein this Court, after referring to a decision in *Om Prakash Jaiswal* case reported in: (2000) 3 SCC 171 held that if the interpretation of Section 20 put in *Om Prakash Jaiswal* case is correct, it would mean that notwithstanding both the subordinate Court and the High Court being prima facie satisfied that contempt has been committed the High Court would become powerless to take any action. On the other hand, if the

filing of an application before the subordinate Court or the High Court, making a reference by a subordinate Court on its own motion or the filing of an application before an Advocate-General for permission to initiate contempt proceedings is regarded as initiation by the Court for the purposes of Section 20, then such an interpretation would not impinge on or stultify the power of the High Court to punish for contempt which power, dehors the Contempt of Courts Act, 1971 and enshrined in Article 215 of the Constitution of India. It was also held that such an interpretation of Section 20 would harmonise that section with the powers of the Courts to punish for contempt which is recognised by the Constitution.

8. According to us, the aforesaid ratio of the decision of this Court squarely applies to the facts of the present case and, therefore, we reject the contention of the Appellant, who appears in person, that the initiation of the contempt proceeding is barred by limitation. So far the merits of his arguments are concerned, we are of the opinion that the letter which was written by him brings direct insinuation against the sitting Judges of the Bombay High Court. The Appellant has not been able to show us any truth of the allegation made. No material is shown to us to substantiate the allegation of taking money by a Judge of the High Court. There has been a number of such baseless insinuation against other Judges also in the present affidavit, which is filed before this Court.

9. Considering the facts and circumstances of the case, we find no infirmity in the order passed by the Bombay High Court and we uphold the order and dismiss this appeal. Stay order which was passed by this Court, stands vacated.