

**In Re: Kailash Joshi**

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**SooperKanoon Citation :** [sooperkanoon.com/498449](http://sooperkanoon.com/498449)

**Court :** Madhya Pradesh

**Decided On :** Mar-06-2003

**Reported in :** 2003(2)MPHT75; 2003(3)MPLJ251

**Judge :** Uma Nath Singh and ;Rajendra Menon, JJ.

**Acts :** [Contempt of Courts Act, 1971](#) - Sections 2 and 12; [Constitution of India](#) - Article 215; Madhya Pradesh (Contempt of Court Proceedings) Rules, 1980 - Rule 17

**Appeal No. :** Contempt Petition (Cr.) No. 1/2003

**Appellant :** In Re: Kailash Joshi

**Advocate for Pet/Ap. :** Party in person;K.N. Gupta, Govt. Adv.

**Judgement :**

ORDER

**Uma Nath Singh, J.**

1. This contempt has been registered as per the order of Hon'ble the Chief Justice dated 7-10-2002 for making wild and baseless allegations against then District Judge, Bhind, Shri K.K. Bhardwaj. In reply to a show-cause notice issued by the District Judge to the contemner, before referring the matter in contempt, the contemner not only repeated the allegation thrice saying that the Judge has

accepted Rs. 70,000/- in bribe in a case pending before him, wherein the contemner was a party, but also made a complaint in writing to that effect to Hon'ble the Chief Justice. Though the contemner was granted repeated opportunities to file his reply, he has done so with a belated apology today only. His only explanation is that he had heard someone making this allegation against the District Judge and being an illiterate person herepeated it in writing. This appears to be only an afterthought as on earlier dates he had been seeking time to substantiate the allegation by engaging different Counsel on different dates. Thus he has failed to substantiate his allegations against the District Judge. On the other hand the contemner has admitted to have made such allegations which has not only tarnished the image of the judiciary but has scandalized the Court of the District Judge, Bhind, beyond repairs. The conduct and writing of the contemner thus constitute blatant interference with the administration of justice and his sole aim was to pressurize the Judge for obtaining a favourable order. The apology at a belated stage is only an eye-wash and therefore it cannot be accepted at the cost of the Institution. On a careful scrutiny of the records and due consideration of all the circumstances, to uphold the dignity of the Judicial Institutions, we hold the contemner guilty of having committed criminal contempt of the Court in terms of Section 2(c) (i) and (iii) of the [Contempt of Courts Act, 1971](#) (in short 'the Act') punishable under Article 215 of the [Constitution of India](#) read with Section 12 of the Act and Rule 17 of the High Court of M.P. (Contempt of Court Proceedings) Rules, 1980 and sentence him to undergo a simple imprisonment for six months and to pay a fine of Rs. 2,000/-. However, looking to the age of the contemner he is directed to remain imprisoned only for a month in the Central Jail, Gwalior, and rest of the sentence, being five months, shall remain suspended for a period of 20 years on the condition that the contemner shall furnish a personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the Registrar of this Court to serve the said sentence, when called upon to do so, if he is found directly or indirectly involved in scandalizing any judicial institution in future.

2. The Registrar is directed to take the contemner in custody and send him to Central Jail, Gwalior, for serving the sentence as aforesaid.

