SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Hari Shankar Vs. State

Hari Shankar Vs. State

SooperKanoon Citation : sooperkanoon.com/683090

Court : Delhi

Decided On : Feb-12-1996

Reported in : 1996CriLJ1839

Judge : Jaspal Singh, J.

Appeal No. : Crl. A. No. 16/96

Appellant : Hari Shankar

Respondent : State

Advocate for Pet/Ap. : Hirdyajot Singh, Adv

Judgement :

1. The appellant Shri Hari Shankar, feeling aggrieved by his conviction under the Contempt of Courts Act by Shri Rajesh Aggarwal, a learned Civil Judge has filed this Criminal Appeal.

2. The appellant has read out the grounds of appeal in open court. It appears that in the grounds of appeal so read out with seemingly full lung power, the appellant has made scandalous attacks not only upon Shri Rajesh Aggarwal, a Civil Judge, but also upon Shri R. C. Jain, Additional District and Sessions Judge, upon the District and Sessions Judge and upon the entire subordinate judiciary as well. Their vilification is as judicial officers and not as individuals. It thus appears that Shri Hari Shankar is guilty of Criminal Contempt committed in the presence of this

Court. Shri Hari Shankar be accordingly detained in custody. He does not seek bail.

3. Since I feel that Shri Hari Shankar should be informed of the contempt with which he is charged, his attention is brought to the following portions of his grounds of appeal (and as read out by him in Court) as they constitute criminal contempt with which he is charged :

Page 1. 'badly biased C.J.'

1 & 2 'that the Hon'ble Sh. Rajesh Aggarwal has been bribed by the counsel P. K. Nayyar'

P. 2 'for passing totally prejudiced final judgment'.

P. 7 'the Hon'ble Sh. Rajesh Aggarwal, C.J. is badly corrupted Judicial officer as well non-prudent to carry a liable act of judiciary inasmuch as the Honour of the C.J. had been bribed for passing the final judgment in suit 468/94.'

P. 9 'Whom to the bribed Civil Judge has granted the permanent injunction.'

P. 9/10 'biased civil judge' 'the biased judge.'

P. 12 'Civil Judge himself colluded with the counsel for the plaintiff'

P. 13 'the trial Court has been bribed to pass the badly prejudiced order and judgment.'

P. 15 'But instead of taking detergent action against the offence of removing the court order dated 14-2-1995 in the suit 467/94 from the Court records of the file of the suit 467/94, the ADSJ took a shady action of putting the matter before DSJ.'

P. 16 'Where the trial Court judges have already been bribed by other party.'

P. 17 '..... in the court records of those a free tampering is going on as the trial court of them, the court of Sh. Rajesh Aggarwal, C.J. Delhi under the shady eye of DSJ, Delhi and the shady eye of the in charge of copying agency (civil).'

P. 17 'that the Hon'ble Civil Judge had been bribed by the advocate P. K. Nayyar.'

P. 19 Bribery has been given to and accepted by the Hon'ble Civil Judge. Sh. Rajesh Aggarwal .....'

'the rooms of the learned Hon'ble Courts of law have been the places of nuisance.'

P. 20 'That the trial Court judge had the malicious intention .....'

P. 45 'the impugned judgment is itself a bogus one like the bogus suit of refugee to Delhi and the impugned judgment is passed being badly prejudiced to the defendant by the Hon'ble Sh. Rajesh Aggarwal, C.J. Delhi after having been bribed by P. K. Nayyar Advocate'

P. 46 '..... being colluded with the Hon'ble Sh. Rajesh Aggarwal C.J., Delhi ..... who had the malicious intention of changing the last order ..... who had been bribed by the plaintiff .....'

P. 49 'The most of the judicial officers, as presently Hon'ble Sh. Rajesh Aggarwal C.J., Delhi have been acting and passing the Judicial orders being badly deviated from the well settled principles of law, and accepting bribery and tampering the Court records.'

P. 49 '..... but there goes proved that the most of the learned and Hon'ble Courts of law are corrupted .....'

P. 53 '..... the most prejudiced judgment, passed by the trial court ..... after being colluded with the plaintiff .....'

I have read out to Shri Hari Shankar the order passed today so as to inform him of the contempt with which he is charged. A copy of the same be furnished to him.

4. Since I do regard that I should afford Shri Hari Shankar an opportunity to make his defense to the charge, he has been asked whether he would like to make his defense to the charge. Let his replies be recorded.

Statement of Sh. Hari Shankar, Petitioner.

Question : Would you like to lead any evidence in defense

Answer : The Court record proved all the charges. I will repeat the charges again. They are correct.

Question : Have you anything else to say

Answer : I repeat my charges against the judiciary. Whatever I have sated is correct. The Court records to which I have made mention in my grounds of appeal will prove the charges. I have nothing else to say.

5. After all this the appellant has started shouting in court. He is warned to be more careful.

6. Whatever has been recorded by me would show that it is not criticism simpliciter. It attributes improper motives to a civil Judge in he conduct of his judicial work. What is imputed against him and other judicial officers is scandalous. It brings the judicial officers into disrespect and disrepute. Such attacks have the inevitable effect of undermining the confidence of the public in the judiciary.

7. May be the judgment passed by the learned Civil Judge is vitiated by errors but then that can be no excuse for imputing dishonesty to him. It is time to make the appellant realise that the attacks made by him disparaging in character and derogatory to the dignity of the judicial officers and actuated by bad faith cannot be tolerated more so when he has repeated them with relish and with no sigh of remorse. I, thereforee, convict him for having committed criminal contempt of Court.

8. I have asked him as to what would be like to say on the point of sentence. He has preferred to keep quite this time. He has also not replied to my pointed questions as to how he says that the learned Civil Judge has been bribed. The reply is again silence. As I feel that the charge is too serious and mere imposition of fine or lesser sentence would not suffice, the appellant is sentenced to six months simple imprisonment. However the sentence is suspended for a period of seven days from today.

9. After this order the appellant has stated that he is not seeking suspension of sentence and that he is prepared to go to jail even for 60 years. I am recording all this to show mental attitude.

10. Order accordingly.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com