

Daily Order

Judge Name	Case No/Year	Date of Order	Daily Order
CHIEF JUSTICE AND SACHIN SHANKAR MAGADUM	CRL.CCC 1/2021	03/02/2021	<p>This suo motu proceeding has been initiated on the basis of the order dated 6th November 2020 passed by a Division Bench. We have perused the said order as well as the order dated 16th September 2020 passed by the Division Bench of this Court in W.P.No.31379/2017. The said order dated 6th November 2020 records the allegations made by the respondent/accused by filing pleadings and in particular, the memo dated 4th September 2020. It appears that various objectionable allegations have been made by the respondent/accused in the pleadings. Only by way of an illustration, we are referring to the memo filed by the respondent/accused on 4th September 2020.</p> <p>2. We have perused paragraph 12 of the said memo. The respondent/accused has used very objectionable adjectives about the Judges of the Apex Court and this Court in clauses (ii), (iii), (iv), (v), (vi) and (ix) of paragraph 12 which cannot be reproduced. The respondent/accused has not even spared the members of the Karnataka State Bar Council and the Bar Council of India while making sweeping and scandalous allegations.</p> <p>3. Our attention is invited to the order dated 6th August 2010 passed by a Division Bench of this Court in Crl.C.C.No.15/2010. That was a judgment rendered in the contempt petition in which the present respondent/accused was the respondent/accused. This contempt petition was filed on the basis of the similar allegations. As the accused tendered his unconditional apology and assured the Court not to indulge in making such allegations, the Division Bench was persuaded to accept the apology and the proceedings were dropped.</p> <p>4. The allegations made by the respondent/accused in the memo of personal appearance dated 4th September 2020 prima facie constitute a criminal contempt within the</p>

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			<p>meaning of clause (c) of Section 2 of the Contempt of Courts Act, 1971 (for short 'the said Act'). On the face of it, the allegations tend to scandalize the Courts. Such allegations will definitely interfere with the due course of judicial proceedings. The allegations tend to obstruct the administration of justice. The members of the Bar are also integral part of the judicial system. By making such scandalous allegations against the members of the Bar, if they are deterred from appearing in the cases, it will amount to obstruction in the administration of justice.</p> <p>5. By the order dated 6th November 2020, the Division Bench directed the Registry to initiate suo motu proceeding for criminal contempt. This was done after giving an opportunity to the accused to withdraw the allegations. The Division Bench has recorded the reasons for passing the said order by recording the conduct of the respondent/accused. The Division Bench has observed that no person can be permitted to intimidate or terrorize the Judges by making scandalous, unwarranted and baseless imputations.</p> <p>6. The matter does not rest here. The respondent/accused has addressed a letter dated 29th January 2021 to the Registrar General/Registrar (Judicial). In the said letter, the respondent/accused has made scandalous allegations against a Senior Judge forming part of the Division Bench which passed the order dated 6th November 2020 by alleging that the said Judge is acting under the influence of the retired Hon'ble Judges of the Supreme Court. In paragraph 5 of the said letter, the respondent/accused claimed that recently, he has decided to kill two erring Judges amongst the highly corrupt 28 Judges of this Court and the Apex Court along with two corrupt Advocates.</p> <p>7. Even the allegations made in the said letter prima facie constitute a criminal contempt under clause (c) of Section 2</p>

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			<p>of the said Act. Hence, we direct that a copy of the letter dated 29th January 2021 shall form a part of the record of this contempt petition. A copy of the said letter be supplied to the learned State Public Prosecutor in a sealed envelope.</p> <p>8. We are satisfied that a prima facie case has been made out to initiate action against the respondent/accused for committing criminal contempt of this Court. Hence, issue notice in Form-1 in accordance with Rule 8 of the High Court of Karnataka (Contempt of Court Proceedings) Rules, 1981. Even a copy of this order shall be forwarded along with the notice. The notice is made returnable on 1st March 2021.</p> <p>9. The respondent/accused shall appear through video conferencing before the Court and his personal presence is not dispensed with.</p> <p>10. We direct the Registrar General to forward a copy of the letter dated 29th January 2021 to the Police Officer in charge of the security of the High Court as paragraph 5 of the said letter states that the respondent/accused has decided to kill two Judges and two Advocates.</p>

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