

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL CONTEMPT PETITION(MAIN)
(FILING) NO. 303 OF 2021**

Kashinath Jairam Shetye ...Petitioner
Versus
1. David Clever & Ors. ...Respondents

Petitioner in person.

**CORAM: DIPANKAR DATTA, CJ. &
M. S. SONAK, JJ**
DATED: 18th August 2021

ORAL ORDER (Per M. S. Sonak, J)

1. Heard the Petitioner, who appears in person.
2. The Petitioner points out that Respondent no.1, by making false and scurrilous allegations against some judicial officers of the District Judiciary and uploading this content on Youtube and Whatsapp has committed criminal contempt as defined under Section 2(c) of the Contempt of Courts Act, 1971 (said Act). He submits that he has applied for and obtained consent under Section 15 of the said Act from the learned Advocate General and the same is enclosed along with the Petition. He urges action under the said Act against Respondent No. 1.
3. We have perused the Petition and its accompaniments. The Petitioner points out that respondent no.1, who is possibly based in the UK, is in the habit of uploading videos on Youtube and

Whatsapp groups, alleging that some of the members of the District Judiciary in Goa are corrupt. At least, *prima facie*, the content allegedly uploaded by respondent no.1 is quite contumacious and might, if established, constitute criminal contempt. However, the question is whether we ought to proceed any further in this matter or it is better to proceed with confidence in our institutions and our judicial officers who function to the best of their abilities without fear or favor.

4. According to us the shoulders of our institution are broad enough to shrug off such scurrilous allegations. The dignity and authority of our judicial institutions are neither dependent on the opinions allegedly expressed by Respondent No.1 nor can the dignity of our institution and its officers be tarnished by such stray slights or irresponsible content. Such content, allegedly uploaded by respondent no.1, is best treated with contempt, rather than in contempt particularly since Respondent no.1 has neither bothered to cite any specific instances nor bothered to lodge any complaints backed by even, *prima facie*, credible material. The inquiries made on our administrative side revealed the irresponsibility of the comments and the possible use of the uploader as a front by some disgruntled litigants. Therefore to take this matter any further might only serve to feed the publicity craze of those that have uploaded this content to provoke rather than out of some concern to bring to fore some genuine grievance concerning the administration of justice in Goa.

5. This broad-shouldered approach is best summed up by Lord Denning in R.v. Metropolitan Police Commr. Ex-parte Blackburn (1968)2 QB 150 where the Learned Judge refused to

be provoked by the scathing article by a Lawyer: *Let me say at once that we will never use this jurisdiction as a means to uphold our own dignity. That must rest on surer foundations. All we would ask is that those who criticise us will remember that, from the nature of our office, we cannot reply to their criticisms. We cannot enter into public controversy. Still less into political controversy. We must rely on our conduct itself to be its own vindication.*

6. In **Haridas v. Usha Rani Banik** (2007)¹⁴ SCC 1, the Hon'ble Supreme Court held that the majesty of law continues to hold its head high notwithstanding any scurrilous attacks made by persons who feel that the law Courts will absorb anything and everything, including attacks on their honesty, integrity and impartiality. The Courts generally ignore irresponsible statements which are anything but legitimate criticism. This magnanimity is not its weakness but its strength. It needs no reiteration that on judiciary millions pin their hopes, for protecting their life, liberty, property, and the like. Judges do not have an easy job. They repeatedly do what the rest of us (the people) seek to avoid, make decisions, said David Pannick in his book *Judges*.

7. The Chief Justice of the UK, deposing before the Phillimore Committee, gave evidence to the following effect: *"Judges' backs have got to be a good deal broader than they were thought to be years ago."* Lord Atkin also once said, *"Courts are satisfied to leave to public opinion, attacks or comments derogatory or scandalous to them."*

8. In such matters, we remind ourselves that it is the people that have a vital stake in the free and effective administration of justice. The Court has the duty of protecting this interest of the community in the due administration of justice and, so, it is entrusted with the power to punish for its contempt. This power is to be only sparingly exercised, not to protect the dignity of the Court against insult or injury, but, to protect and vindicate the right of the people so that the administration of justice is not perverted, prejudiced, obstructed, or interfered with. (See **Delhi Judicial Service Assoc. V. State of Gujarat** AIR 1991 SC 2176)

9. For all the aforesaid reasons, we dispose of this contempt petition.

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M. S. SONAK, J.

CHIEF JUSTICE