

**HIGH COURT OF MADHYA PRADESH AT JABALPUR****CONC NO.350/2016**

: IN REFERENCE

Vs.

: LAVIT RAWTANI

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**Present : Hon'ble Shri Justice R.S. Jha,  
Hon'ble Shri Justice A. K. Joshi.**

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**ORDER**  
(06/04/2017)

**Per R. S. Jha, J.**

Respondent Lavit Rawtani present in person.

Pursuant to the order passed by this Court on 2.3.2017 holding the contemner to be guilty of contempt of this Court, the matter was taken up today for hearing the contemner on the question of quantum of punishment that may be imposed upon him.

**2.** The contemner who is personally present in person, instead of tendering any apology, unconditional or otherwise or making any submission in respect of the quantum of punishment or penalty, has again reiterated that the Public Interest Litigation, filed by him before this Court, could not have been directed to be converted into a regular Writ Petition and that the facts and figures mentioned by him in his petition were justified and correct thereby clearly establishing his allegations of corruption and, therefore, this Court should re-register the original petition filed by him as a Public Interest Litigation and take action in the said petition in accordance with law by punishing those who had indulged in corruption while making appointment in

MANIT. The contemner submits that the issue raised by him did not and does not involve any personal interest and that it was purely in the interest of the institution and in such circumstances no direction could have been issued by this Court for converting the Public Interest Litigation into a regular Writ Petition.

**3.** As on the previous occasion this Court again tried to make the contemner understand that in the present contempt petition we were not required to look into nor can we look into the correctness or otherwise of the issues raised by the contemner in the writ petition and the present proceedings were confined to the contempt proceedings initiated against him for his oral and written allegations to the effect that certain Judges of this Court were possibly corrupt.

**4.** By a detailed order dated 2.3.2017 passed by this Court in the present case, this Court has specifically considered each and every issue raised by the contemner in respect of the allegations made by him regarding certain Judges of this Court being possibly corrupt. The allegations made by the contemner in respect of Hon'ble The Chief Justice (now sitting Judge of the Supreme Court, Justice Shri A. M. Khanwilkar), Justice Shri Sanjay Yadav, J; Justice Ms.Vandana Kasrekar, J; Justice Shri Alok Aradhe, J; Justice Shri Rajendra Menon, J (now Chief Justice of Patna High Court); and Justice Shri M. C. Garg, J, were considered in the light of the written submissions made by the contemner in this regard and this Court by a detailed order, has already held that the highly contemptuous statement of the contemner is

totally unsubstantiated and baseless and, therefore, the contemner is guilty of contempt.

**5.** While we are not required to look into or examine the aforesaid aspect again once having held the contemner to be guilty of contempt, however in view of the repeated attempt made by the contemner in this regard, to raise the same issue, without making any submission in respect of punishment, we re-affirm the view taken by us in the order dated 2.3.2017 and while doing so we also take note of the decision of the Supreme Court rendered in the case of **Rajendra Sail vs. M. P. High Court Bar Association and others**, (2005) 6 SCC 109, specifically paragraph nos.10 to 29, to emphasis that the totally unprovoked statement of the contemner to the effect that certain Judges of this Court, whom he has named, are possibly corrupt, is highly contemptuous.

**6.** While hearing the contemner on the question of punishment, the learned Senior Counsel Shri Brian D'silva and Shri Mrigendra Singh, both stated that they may be given an opportunity to explain the entire case to the contemner and again try to persuade him to understand the implication of his statements. For this purpose the matter was adjourned in the first half and it was taken up again after the tea break.

**7.** Shri Brian D'silva and Shri Mrigendra Singh, learned Senior Advocates, submit that their attempts to persuade the contemner to make him understand the consequences of his statements have failed and they are

not able to make the contemner understand or to make amends for the written as well as oral submission made by the contemner to the effect that certain Judges of this Court are possibly corrupt.

**8.** We have given full and ample opportunity to the contemner to make his submission.

**9.** During the entire proceedings today, instead of trying to apologize or to give a written statement in respect of the contempt proceedings or in respect of the quantum of punishment that may be imposed upon him, the contemner repeatedly tried to persuade this Court that the Court, instead of passing any order in the present case, should take up proceedings in the Public Interest Litigation and conduct an investigation in respect of his allegations in the petition.

**10.** At this stage we think it apposite to take note of the fact that repeated attempts by this Court, from the very initial stage, to provide legal assistance to the contemner, have failed as he has consistently and repeatedly refused to accept any legal assistance from any Advocate. Even after passing of the order on 2.3.2017 when we had asked the contemner to go through the order that had been dictated before him in the Court and had also requested his counsel, who had appeared for the contemner in the Public Interest Litigation, to persuade him to do so, the office note indicates that the contemner refused to sign or acknowledge the aforesaid fact. The office note also indicates that his counsel Shri K. K. Gautam, Advocate,

read and explained the entire order to him as well as the consequences thereof but the contemner did not appreciate the legal advise given to him or accept it.

**11.** Even today, Shri K. K. Gautam, learned counsel who is present in the Court, informed us that after the passing of the order dated 2.3.2017 he had tried to explain the entire case to the contemner and had also gone to the extent of visiting his house and having a meeting with his family members before whom also he had tried to explain the consequences of the unwarranted statements of the contemner. Shri K. K. Gautam, learned counsel has stated before us that inspite of his best efforts and the efforts of his family, the contemner has refused to accept their advise. As on date the contemner has neither withdrawn nor has he tendered any kind of apology or otherwise in respect of his written and oral statement that certain Judges of this Court are possibly corrupt.

**12.** On a suggestion being made by the learned Senior Counsel Shri Brian D'Silva, the contemner has reacted vociferously and has stated that he is a person of fit state of mind and that he is not a person who is suffering from any kind of a mental disorder or disillusionment and that he fully understand the implications and the consequences of his action and his statements in the present proceedings.

**13.** In the circumstances, as the contemner stands by his statement and still asserts that certain Judges of this Court are possibly corrupt without justifying or submitting

any proof of the same, we have no option but to punish him for the contempt committed by him.

**14.** Apparently, the contemner is a person who, on failing to obtain a favourable order in his writ petition, has made the aforesaid remarks in respect of certain Judges by specifically naming them and accusing them of being possibly corrupt. To our mind making such an unjustified statement and casting scurrilous aspersions against thoroughly honest and hardworking Judges who have discharged their judicial functions with utmost devotion results in casting a deep shadow on their integrity, honesty and judicial impartiality which if unpunished or ignored would seriously erode the dignity, authority and status of the highest Court of the State and, therefore, deserves to be punished severely because, if ignored, it would encourage litigants who have lost in the Court to impute unsubstantiated and unjustified motives to the Judges of the institution in the name of fair criticism.

**15.** The statement of the contemner appears to have been made as a calculated attempt to obstruct and to interfere with the course of justice and the due administration of law, moreso as this Court and the Judges perform their duties herein enjoying the highest confidence and respect of the people which cannot be allowed to be tarnished, diminished or wiped out by such scurrilous abusive unsubstantiated statements of the contemner.

**16.** The dignity and authority of this Court has to be respected and protected at all costs so that the judiciary

can perform its duties and functions effectively without fear and in the true spirit. If we ignore and permit such statements as made by the contemner to go un-noticed, we would be failing in our pious duty to uphold the trust and confidence of the people that they have reposed in the ability of the institution to deliver fearless and impartial justice and would result in disrespect and distrust in the working of this Court resulting in erosion of the judicial system and the administration of justice moreso as the statement made by the contemner, oral and written to the effect that certain Judges of this Court are possibly corrupt has been made without submitting any oral or documentary proof to substantiate the same.

**17.** While a fair criticism of a judgment by a person who knows the law and is an expert in the field may, in certain cases and to a limited extent, be justified however, making statements to the extent of calling certain Judges possibly corrupt by a litigant who has lost his case in the Court with the ulterior motive of trying to force this Court to reopen his case has to be taken seriously and no person can be permitted to make such a statement and expect to go scot free as that would not just lower down the dignity and authority of the judiciary but would also results in loss of faith of the public in the highest judicial institution of the State. Such a statement is not just contemptuous but it also tends to interfere with the proper administration of justice and is calculated to obstruct the course of justice and the due administration of law.

**18.** Looking to the facts and circumstances of the present case, specifically the fact that the comtemner

has stuck to his statement and re-asserts his statement that certain Judges of this Court are possibly corrupt, the quantum of punishment to be imposed on him has to be considered.

**19.** We may take note of the fact that in the instant case, there is no iota of any remorse or regret in the stand of the contemner before this Court nor has he tendered any kind of apology or explanation for his conduct. In view of the aforesaid facts that are admitted and undisputed, while normally we would have imposed the maximum punishment upon him, however, looking to the fact that the contemner is not a young man and is a Professor of MANIT, we think it appropriate and hereby impose a punishment of three months of Simple Imprisonment upon him as anything less would be a gross travesty of justice looking to the heinous and monumentally obnoxious statement of the contemner. The contemner is, accordingly, sentenced to **three months Simple Imprisonment.**

**20.** We have specifically asked the contemner in the Court whether he wishes to assail the order passed by this Court imposing punishment upon him. The contemner has not expressed any kind of opinion in this regard. In spite of being advised by the Senior Counsel present in the Court that he should take time to file an appeal.

**21.** Although, in spite of giving such an opportunity, the contemner has not made any request to suspend the

sentence to enable him to file an appeal against the order passed by this Court today, however, in the interest of justice and keeping the facts and circumstances of the case in mind as well as the age and status of the contemner, it is ordered that this punishment shall remain suspended for a period of three weeks from today to enable the contemner to file an appeal before the Supreme Court. To enable him to do so, a certified copy of the order passed by this Court on 2.3.2017 and the order passed today be supplied to the contemner.

**22.** It is, however, made clear that in case no such appeal is filed within the aforesaid period and an order of stay of the punishment is not obtained by the contemner from the Supreme Court within the aforesaid period, the order of punishment passed by this Court shall come into operation from **26.4.2017** and the contemner shall accordingly either surrender before the Chief Judicial Magistrate, Bhopal on his own on that date or in case he does not do so, the concerned authorities shall take immediate steps to execute this order of punishment by sending the contemner to jail to serve out the punishment imposed upon him by this Court.

**23.** For this purpose a copy of this order be sent to the Chief Judicial Magistrate, Bhopal, the Superintendent of Police, Bhopal, the Superintendent of Police, Jabalpur and the Director, Maulana Azad National Institute of Technology, Bhopal. The contemner shall be lodged in Central Jail Bhopal.

**24.** Registry is directed to prepare a jail warrant and take all other necessary steps to ensure proper implementation of this order.

In view of the aforesaid this contempt petition stands disposed of.

**(R. S. JHA)**  
**J U D G E**

**(A. K. JOSHI)**  
**J U D G E**

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