



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR CONTEMPT OF
COURT) NO. 12821 of 2025**

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SUO MOTU

Versus

SAMAD ABDUL REHMAN SHAH

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Appearance:

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1

MR HAMESH C NAIDU(5335) for the Applicant(s) No. 1

MR. DHARUVIN U MEHTA(9993) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA

and

HONOURABLE MR.JUSTICE R. T. VACHHANI

Date : 22/07/2025

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

1. At the outset, learned senior advocate Mr.Shalin Mehta has submitted that pursuant to the directions issued by this Court in paragraph No.3 of the order dated 30th June, 2025, the Registry has already framed the necessary instructions for regulating video conference, hybrid hearing and live streaming and the same are placed before the Full Court for approval. It is submitted that the observations made in the report would be subject to final decision of the Full Court. The report dated 15th July, 2025 is ordered to be taken on record.

2. Pursuant to the order dated 14th July, 2025, the respondent – contemnor has deposited an amount of Rs.1,00,000/- before the Registry of this Court. We had initiated suo moto contempt proceedings for the egregious conduct of attending the live streaming court proceedings from a toilet.



3. Learned advocate Mr.Rahul Patel has tendered an affidavit dated 21st July, 2025 of the contemnor tendering an unconditional apology. The said affidavit is ordered to be taken on record. The contemnor - Samad Shah has stated that he realizes his mistake and is ashamed of his conduct and he holds utmost respect for the majesty and authority of this Court. Further, it is stated that the Court may take sympathetic view and forgive him for the said act. The act, for which the present proceedings were registered, indubitably, is an act, which lowers the majesty and sanctity of this Court. The offending act committed by the contemnor, though inadvertently, is of such a high degree that it cannot be ignored. It was contended that there was no ill intention on behalf of the contemnor to commit such an act. However, we are of the opinion that the proof of *mens rea* is excluded, while judging the contemptuous act. No defense is available to the contemnor to plead that such a nature of the act, which lowers down the majesty of the Court, can be ignored only for the reason that he had no intention or *mens rea* to commit such an act. The act committed by the contemnor has the tendency to interfere with the administration of justice and also tends to lower the authority and majesty of this Court and in fact, is a “criminal contempt” as defined under Section 2 (c) of the Contempt of Courts Act. However, since the contemnor has deposited an amount of Rs.1,00,000/-, as prescribed under Rule 21 of the Contempt of Court (Gujarat High Court) Rules, 1994, and in view of the unconditional apology and his willingness to undertake community service, as per the discretion of this Court, we close the contempt proceedings.

4. Registry shall deposit/transfer the cost amount to the Gujarat High Court Legal Services Committee. We further direct that the contemnor



shall undertake the community service by attending the intellectually challenged individuals at 'Mamta Mansik Swastha Kendra, Surat at Nagar Prathmik Shala No.7, Adarsh Nagar Society, Opp.Municipal Zone Office, Athwa Lines, Surat for a period of 15 days. The Superintendent or the Officer In-charge of the concerned Institute shall allow the present contemnor to do the communicative service for two hours daily for 15 days and upon completion of the said period, the Superintendent / the concerned officer shall inform the concerned District Legal Services Authority (DLSA), Surat.

5. Registry shall also send the present order to the concerned District Legal Services Authority, Surat, in order to see that the contemnor complies with the direction issued by this Court. After completion of community service, the DLSA, Surat shall send a Report to the Registry, which in turn shall inform this Court. We further issue warning to the contemnor not to indulge in such indecent behaviour during live Court proceedings before any Court. We also direct learned advocate Mr.Rahul Patel to inform all his clients not to indulge in such behaviour and shall apprise the litigants, whom he represents, to present themselves in a decent manner in the live proceedings.

6. Since, we have noticed frequent contumacious incidents during the live streaming, we are constrained to issue further directions to the member of the Bar. We direct the learned advocates to inform their respective clients/litigants, who intend to join in virtual hearings, to present themselves in a manner befitting the majesty and decorum of the Court and they shall exhibit disciplined behavior in virtual hearing. We further direct the lawyers to inform their clients in advance, to present



themselves from a place having decent ambiance, which shall not impinge the dignity and decorum of the Court, and in case they join the live proceedings, through mobiles, they shall not leave such place and wander/roam with the instrument/device during the virtual hearing. They shall maintain utmost discipline and decorum for upholding the dignity and majesty of the Court, as mentioned in Clause (J) of Rule (5) of the Gujarat High Court Live Streaming of Court Proceeding Rules, 2021. We further clarify that failure to comply with the present directions, shall invite contempt of Court proceedings.

7. Registry is directed to communicate the present directions to the Gujarat High Court Advocates Association and also to the Bar Council of Gujarat.

(A. S. SUPEHIA, J)

(R. T. VACHHANI, J)

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