

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION (CRIMINAL) NO. _____ OF 2019

IN THE MATTER OF:-

DR. RAJEEV DHAVAN

... PETITIONER

-VERSUS-

PROF. N. SHANMUGAM

... ALLEGED CONTEMNOR

**CONTEMPT PETITION UNDER ARTICLE 129 OF THE
CONSTITUTION OF INDIA READ WITH SECTION 15 OF THE
CONTEMPT OF THE COURT ACT, 1971 AND RULE 3 OF
RULES TO REGULATE PROCEEDING FOR CONTEMPT OF
THE SUPREME COURT, 1975 FOR TAKING SUO MOTO
ACTION AGAINST THE CONTEMNOR**

PAPER BOOK

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FILED BY:-

EJAZ MAQBOOL, ADVOCATE FOR THE PETITIONER

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IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION (CRIMINAL) NO. _____ OF 2019

BETWEEN

... Petitioner

US-

... Alleged Contemnor

CONTEMPT PETITION UNDER ARTICLE 129 OF THE CONSTITUTION OF INDIA READ WITH SECTION 15 OF THE CONTEMPT OF THE COURT ACT, 1971 AND RULE 3 OF RULES TO REGULATE PROCEEDING FOR CONTEMPT OF THE SUPREME COURT, 1975 FOR TAKING SUO MOTO ACTION AGAINST THE CONTEMNOR

To,

The Hon'ble the Chief Justice of India
and his other companion Justices of the
Hon'ble Supreme Court of India

The humble petition of the
Petitioner above named:

MOST RESPECTFULLY SHEWETH:

1. That the present petition is being filed for initiation of Suo Moto contempt proceedings against the Alleged Contemnor abovenamed under Article 129 of the Constitution of India read with Section 2(c) and 12 of the Contempt of Courts Act, 1971 for willful for interfering/obstructing the administration of justice.
2. That by way of the present Contempt Petition, the Petitioner herein seeks to bring to the notice of this Hon'ble Court, the act of the Respondent is threatening the Petitioner for appearing for Muslim parties in the case

entitled as “*M. Siddiq (D) Thr. Lrs. Vs. Mahant Suresh Das & Ors. etc. etc.*” bearing Civil Appeal Nos. 10866-10867 of 2010 and connected Civil Appeals.

3. The Petitioner has received a letter dated August 14, 2019 from Prof. N. Shanmugam threatening the Petitioner for appearing for the Muslim parties. This letter was sent C/o. Supreme Court Bar Association and the Staff of Supreme Court Bar Association handed over the said letter to the Petitioner on August 22, 2019 near Bar Library-1. The Petitioner through his Advocate-on-Record Mr. Ejaz Maqbool submitted a letter dated August 23, 2019 along with the letter received from Prof. N. Shanmugam for initiating Suo Moto Contempt Petition against the said Respondent. A copy of the letter dated August 23, 2019 of the Advocate-on-Record along with the photocopy of the letter received by the Petitioner from Alleged Contemnor and also a typed copy of the said letter is annexed herewith and marked as **Annexure P-1 [Page Nos. 9 to 16]**.

4. The Petitioner also received a WhatsApp message from one Mr. Sanjay Kalal Bajrangi which is also an attempt to interfere with the administration of justice before this Hon’ble Court. A photocopy of the WhatsApp message sent by Mr. Sanjay Kalal Bajrangi to the Petitioner alongwith the translated copy of the said message is annexed herewith and marked as **Annexure P-2 [Page Nos. 17 to 20]**.

5. In the meanwhile, it needs to be mentioned that the Petitioner has been accosted both at home and in the court premises with intimidating behavior by several persons.

6. That the offence of criminal contempt was committed by Alleged Contemnor on 14.8.2019 which is the date of the letter sent by the Alleged Contemnor. The cause of action for filing the present petition occurred on 14.8.2019 and the petition is being filed within the prescribed period of limitation provided by Section 20 of the Contempt of Courts Act.

7. That Section 15 of the Contempt of Courts Act, 1971 mandates that the Petitioner has to seek prior permission of the Learned Attorney General for India/Solicitor General for India for initiating the present Contempt Petition. Section 15 of the Contempt of Courts, Act, 1971 reads as follows:-

“15. Cognizance of criminal contempt in other cases. -

(1) In the case of a criminal contempt, other than a contempt referred to in section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by –

(a) the Advocate-General, or

(b) any other person, with the consent in writing to the Advocate-General, [or]

(c) in relation to the High Court for the Union territory of Delhi, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf, or any other person, with the consent in writing of such Law Officer.

(2) In the case of any criminal contempt of a subordinate court, the High Court may take action on a reference made to it by the subordinate court or on a motion made by the Advocate-General or,

in relation to a Union territory, by such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(3) Every motion or reference made under this section shall specify the contempt of which the person charged is alleged to be guilty.

Explanation.- In this section, the expression "Advocate-General" means –

- (a) in relation to the Supreme Court, the Attorney-General or the Solicitor-General;*
- (b) in relation to the High Court, the Advocate-General of the State or any of the States for which the High Court has been established;*
- (c) in relation to the Court of a Judicial Commissioner, such Law Officer as the Central Government may, by notification in the Official Gazette, specify in this behalf".*

8. The Petitioner is not seeking prior permission from the Learned Attorney General for India because the Learned Attorney General in the earlier round had appeared for the State of Uttar Pradesh in the matters relating to the Babri Masjid/Ram Janam Bhoomi. Also, the Petitioner is not approaching the Learned Solicitor General for India because the Learned Solicitor General for India is appearing in the said matters for the State of Uttar Pradesh and the Petitioner while arguing the present case before a Bench of three Hon'ble Judges had contended that the Learned Solicitor

General for India appearing for the State of Uttar Pradesh cannot take sides and also gave Written Submissions in this regard.

9. That in view of the facts, circumstances and nature of the case it would not be desirable for the Petitioner to approach Learned Attorney or Solicitor General seeking permission as prescribed by Section 15 of the Contempt of Courts Act and an application for exemption from seeking permission of the Learned Attorney General and the Learned Solicitor General is being filed alongwith this Contempt Petition.

10. By sending the letter the Alleged Contemnor has committed Criminal Contempt because he is intimidating a Senior Advocate who is appearing for a party/parties before this Hon'ble Court and discharging his duties as a Senior Advocate and he ought not to have sent such a letter and therefore the Petitioner is constrained to file the present Contempt Petition before this Hon'ble Court.

11. That the Petitioner has not filed any other Petition before this Hon'ble Court or any other court seeking initiation of contempt proceedings against the contemnor/opposite party.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) exercise suo moto powers under Article 129 of the Constitution of India and Section 15 of the Contempt of Courts Act taking cognizance of the criminal contempt on the basis of the facts placed on record against the contemnor/opposite party for committing criminal

contempt within the meaning of Section 2(c) punishable under 15 of the contempt of courts Act; and/or

- b) pass such other and further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION (CRIMINAL) NO. _____ OF 2019

IN THE MATTER OF: -

DR. RAJEEV DHAVAN

... PETITIONER

VERSUS

PROF. N. SHANMUGAM

... ALLEGED CONTEMNOR

AFFIDAVIT

I,

do

hereby solemnly affirm and state as under:-

1. That I am the Petitioner in the above mentioned Contempt Petition and as such I am well conversant with the facts and circumstances of the case and competent to swear the present Affidavit on my own behalf.
2. That I have gone through a copy of the Contempt Petition from paragraphs 1 to 11 from running pages 1 to 6 and I state that the contents thereof are true and correct to my knowledge and belief.
3. That the accompanying Contempt Petition and Interlocutory Applications have been drafted, prepared and is being filed under my instructions. The facts stated therein are true and correct to my knowledge and belief, no part thereof is false and nothing material has been concealed therefrom.

4. That the annexures annexed to the present Contempt Petition are true and correct copies of their respective originals.

DEPONENT

VERIFICATION

Verified at New Delhi on _____ that the contents of the above Affidavit are correct and true to the best of my knowledge and belief and nothing material has been concealed therefrom.

DEPONENT

Vakeel Sahib, Please give your full support in getting positive decision on Ram Mandir Matter.

Coming generation shall forever keep you in their minds!!

07:37

Please be with Hindu Society!!

07:39

YESTERDAY

The words of your final journey shall be chanted as Ram Nam Satya!!!

21.57

// TRUE AND TRANSLATED COPY //

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

I.A. NO. OF 2019

IN

CONTEMPT PETITION (CRIMINAL) NO. _____ OF 2019

IN THE MATTER OF:-

DR. RAJEEV DHAVAN

... APPLICANT/PETITIONER

-Versus-

PROF. N. SHANMUGAM

... RESPONDENT

**APPLICATION FOR EXEMPTION FROM FILING PRIOR PERMISSION
OF THE LEARNED ATTORNEY GENERAL FOR INDIA/SOLICITOR
GENERAL FOR INDIA AS REQUIRED UNDER SECTION 15 OF THE
CONTEMPT OF COURTS ACT, 1971**

To

Hon'ble the Chief Justice of India
and his companion judges of the
Supreme Court of India.

The humble application of the above
named Applicant/Petitioner

MOST RESPECTFULLY SHOWETH:-

1. That the present petition is being filed for initiation of contempt proceedings against the Alleged Contemnor abovenamed under Article 129 of the Constitution of India read with Section 2(c) and 12 of the Contempt of Courts Act, 1971 for interfering/obstructing the administration of justice.
2. That the contents of the accompanying Contempt Petition may be taken to be a part of the present application and the same are not being repeated herein for the sake of brevity.
3. The Petitioner is not seeking prior permission from the Learned Attorney General for India because the Learned Attorney General in the

earlier round had appeared for the State of Uttar Pradesh in the matters relating to the Babri Masjid/Ram Janam Bhoomi. Also, the Petitioner is not approaching the Learned Solicitor General for India because the Learned Solicitor General for India is appearing in the said matters for the State of Uttar Pradesh and the Petitioner while arguing the present case before a Bench of three Hon'ble Judges had contended that the Learned Solicitor General for India appearing for the State of Uttar Pradesh cannot take sides and also gave Written Submissions in this regard.

4. That the Applicant/Petitioner states that this application is being filed *bona fide* and in the interests of justice.

5. The Applicant/Petitioner therefore, most respectfully prays:-

PRAYER

- (a) exempt the Petitioner from seeking permission from the Learned Attorney General for India/Solicitor General for India as mandated by the under Section 15 of the Contempt of Courts Act, 1971; and/or
- (b) pass such other and further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT/PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Filed by:-

EJAZ MAQBOOL
Advocate for the Applicant/Petitioner

INHERENT JURISDICTION

I.A. NO. OF 2019

IN

CONTEMPT PETITION (CRIMINAL) NO. _____ OF 2019

DR. RAJEEV DHAVAN ... APPLICANT/PETITIONER

-Versus-

PROF. N. SHANMUGAM ... RESPONDENT

To

Hon'ble the Chief Justice of India
and his companion judges of the
Supreme Court of India.

The humble application of the above
named Applicant/Petitioner

MOST RESPECTFULLY SHOWETH:-

1. That the present petition is being filed for initiation of contempt proceedings against the Alleged Contemnor abovenamed under Article 129 of the Constitution of India read with Section 2(c) and 12 of the Contempt of Courts Act, 1971 for interfering/obstructing the administration of justice.
2. That the Applicant/Petitioner submits that Annexures P-2 which is being filed along with the present Curative Petition was originally in Hindi and the Applicant/Petitioner has got it translated into English privately as the official translation would have taken a long time.
3. That the Applicant/Petitioner states that this application is being filed *bona fide* and in the interests of justice.

4. That the Applicant/Petitioner therefore, most respectfully prays:-

PRAYER

- (a) exempt the Applicant/Petitioner from filing official translation of Annexures P-2; and/or
- (b) pass such other and further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT/ PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Filed by:-

EJAZ MAQBOOL
Advocate for the Applicant/Petitioner