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REPORTABLE

2026 INSC 470

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 669 OF 2020

YATIN NARENDRA OZA ...APPELLANT(S)

VERSUS

SUO MOTU, HIGH COURT OF GUJARATAND ANOTHER ...RESPONDENT(S)

J U D G M E N T

J.K. Maheshwari J.

'The man who has a conscience suffers whilst acknowledging his sin. That is his punishment.'

- *Crime and Punishment (Fyodor Dostoevsky's)*

1. In the present appeal, we are called upon to determine the validity of the conviction of the Appellant, Mr. Yatin Narendra Oza, President of the Gujarat High Court Advocates' Association (in short **'GHCAA'**) and senior advocate, held guilty of 'criminal contempt' *vide* the impugned order dated 06.10.2020 of the

Gujarat High Court (for brevity **'High Court'**) under Section 2(c)(i)[1] of the Contempt of Courts Act, 1971 (hereinafter **'1971 Act'**). He has been sentenced *vide* order dated 07.10.2020 till rising of the court along with fine of Rs. 2000/- with a default stipulation of 2 months of simple imprisonment under Section 12 of 1971 Act[2]. Adding to his dismay, pending the contempt petition, his senior designation was also recalled by the unanimous decision dated 21.07.2020 passed by the Full Bench of the High Court.

2. At the very outset, we are constrained to note that we are faced with an unfortunate friction between two wheels of the chariot of justice, the Bar and the Bench, wherein, the Appellant being the President of the Bar Association, a long-standing reputed member of the Bar and a designated senior advocate has been found raising unfounded, unwarranted and disreputable allegations in public against the State's highest judicial forum,

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1 "criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which —

(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or

(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

2 Punishment for contempt of court.

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the High Court and its Registry. Such an impasse between the two most intrinsic pillars of our legal system has the potential to wither the faith of public at large in the justice delivery mechanism.

FACTS

3. The proceedings of contempt against the Appellant were set in motion based on his live press conference dated 05.06.2020, telecast on Facebook, wherein certain unwarranted and contentious allegations, including those of preferential treatment, were raised by the Appellant questioning the credibility of the administration of the High Court. Accordingly, the High Court in exercise of powers under Article 215[3] of Constitution of India and the provisions of the 1971 Act, took *suo-motu* cognizance and initiated proceedings for criminal contempt[4] *vide* order dated 09.06.2020 against the Appellant. The order lays down the broader premise of the contempt proceedings against the Appellant and hence, the relevant portion of the same is reproduced as thus:

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3 High Courts to be courts of record.

4 Criminal Misc. Application No. 8120 of 2020.

*“ *** *** ***

3. This suo motu contempt proceeding has been initiated by the Court in wake of extremely unfortunate and absolutely unpalatable event that took place in the midst of Pandemic of COVID-19 where accusing fingers have been raised against the High court, High Court Administration and the Registry by irresponsible, sensational and intemperate delivery in an interview by the President of the GUJARAT High Court Advocates' Association, the Senior Advocate Shri Yatin Oza in his capacity of the office bearer of GHCAA.

5. We noticed the live press conference telecast on www.facebook.com by the President of the GHCAA by calling the journalists of various Print and electronic Media ostensibly to espouse the causes of Junior advocates and those litigants having no or less means, and made serious allegations of corruption against the registry and also categorically alleged Forum shopping in no uncertain terms without any valid, significant or true basis. He thus, with frivolous grounds and unverified facts targeted the Registry of the High Court which is working day and night against all odds, risking their lives and lives of their family members in present crisis and is also attempting to adopt to the new system of filing through emails in absence of availability of module of e filing and adjusting to remote hearing of cases. He has thereby questioned the very credibility of High Court Administration and raised fingers at some of the Honourable judges indirectly with scandalous remarks of a few Advocates being successful in getting their matters circulated in three courts and also getting contemplated orders. The President in his “complete consciousness and with total responsibility” as declared by him in his interview called this August Institution a 'Gambling den' and an Institute which caters only to the litigants with means and money power, smugglers and those who are traitors. He also, for spreading sensationalism declared by his scandalous utterances that those who are not belonging to the Big industrial houses or construction Industry or having innumerable means, the High Court would kick them away. These scurrilous remarks appear to have been made without any

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substantive basis and without any intent to know the truth as also without approaching the Honourable the Chief Justice for any inquiry as the Head of the Institution.

6. Plain reading of details of press conference (as also available as nearest English translation at Annexure A herewith) held by Shri Yatin Oza indicate that he levelled following allegations broadly;

(1) corrupt practices being adopted by the registry of the High Court of Gujarat,

(2) undue favour is shown to high-profile industrialist and smugglers and traitors,

(3) The High Court functioning is for influential and rich people and their advocates,

(4) The billionaires walk away with order from the High Court in two days whereas the poor and non VIPs need to suffer,

(5) if the litigants want to file any matter in the High Court person has to be either Mr. Khambhata or the builder or the company. This also was circulated in Gujarati daily Sandesh titled as 'Gujarat High Court has become a gambling den – Yatin Oza'.

*** *** ***

17. In the aforesaid premises, it deems it appropriate to issue following directions:

(1) The office shall register the matter as Suo motu Contempt Proceedings under Article 215 of the Constitution of India read with Section 15 of the Contempt of Courts Act, 1971 for the purpose of record.

(2) Let there be a notice issued under Section 17 of the Contempt of Courts Act, 1971 to Shri Yatin Narendra Oza on address available with the Registry or on finding his present address from the Bar Association so also on his email ID and through text message on his registered mobile phone Number. This notice shall be drawn in

accordance with The Contempt of Courts (Gujarat High Court) Rules, 1984. The notice shall be accompanied by this order and other materials on record i.e. the CD containing the copy of video of his live press briefing as available in public domain at https:/ /www.facebook.com/ 104701114611373/videos/57350809 6929988/ with its nearest English translation (as annexed at Annexure I herewith) and the aforesaid news item published in Sandesh daily, to be made returnable on 16/6/2020. In the meantime and till the returnable date, Shri Oza is restrained from making of any scandalous remarks or holding official meeting and passing any resolution or circulating any material or communicating directly or indirectly either himself or through others in relation to the subject matter of contempt.

……."

4. Assailing the aforesaid contempt notice, the appellant preferred Special Leave Petition (Criminal) No. 2740 of 2020, which was dismissed as withdrawn on 16.06.2020. The Appellant before the High Court filed his affidavit-in-reply dated 10.07.2020 and tendered his apology with highest regard to the High Court, praying to accept the same. He submitted therein that he was merely voicing the grievances of the junior advocates who were facing extreme difficulties during COVID-19 pandemic in managing their practice. He was receiving several complaints from advocates qua sidelining and non-circulation of matters by the Registry of the High Court. It was merely in the context of the Registry and listing of matters. To substantiate the issue *vis-à-vis*

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listing of matters, Appellant *inter-alia* placed reliance on report dated 07.05.2020, styled as 'India's Legal System favours the rich and powerful' from the 'Scroll Staff'. He also placed reliance on press note dated 20.05.2020 issued by Bar Council of India, stating therein that it had received complaints of pick and choose by fixation of matters in some High Courts. The Appellant was under tremendous stress and emotional volley on account of multifarious complaints by advocates about ineffectiveness of GHCAA. He submits that he ought not to have used the terminology 'Gambling Den'. The remark came as an emotional outburst, for which he tendered unconditional apology.

5. In the interregnum, pending the contempt proceedings, the Full Court issued show-cause dated 11.06.2020 to the Appellant seeking an explanation as to why the honour and privilege of being designated as 'Senior Advocate' should not be withdrawn. The operative portion of the show-cause notice for ready reference is reproduced below as thus:

> *"Despite the aforestated proceedings initiated and orders passed in the past you have once again acted in a manner not befitting a Senior Advocate by holding the press conference on 5th June 2020 making reckless, baseless, scurrilous and scandalous remarks and allegations*

against the Institution, its Registry and Administration as stated hereinabove.

In such circumstances referred to herein above, you are hereby called upon to show cause as to why the honour and the privilege conferred upon you by this High Court of being designated as a Senior Advocate should not be cancelled/withdrawn."

In response, the Appellant submitted his reply on 16.07.2020, tendering his unconditional, unqualified and unequivocal apology. He also prayed that, in the alternative, if the Full Court is not inclined to accept his apology, he be permitted to make submissions on merits. Nevertheless, the Full Court in a unanimous decision taken *vide* detailed order dated 18.07.2020, divested the Appellant of his senior gown. The relevant portion of the order is reproduced below as thus:

"*Now, adverting to the first and foremost contention raised by Mr Joshi to accept the apology of Mr Oza and drop the present proceedings, it is stated that the present proceedings have been initiated under the provisions contained in the Rules of 2018, more particularly under Rule 26 thereof. ..... Hence, the procedure, forum and the consequences contained in the said Rule 26 of the 2018 Rules are absolutely different from the procedure, forum and the consequences contained in the Contempt of Courts Act, where the accused may be discharged or the punishment awarded may be remitted on an apology, being made to the satisfaction of the Court. Designation is conferred at the discretion of the Full Court based on an objective assessment of the parameters stipulated. Review of the same is written in purview of the Full Court on an objective assessment of the self-same parameters. At any*

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stage conduct unworthy of the designation could result in the review of this distinction conferred.

26. The Full Court, however, has also independently considered the issue as to whether the apology tendered by Mr Oza should be accepted or not. Mr Joshi has repeatedly sought to import the provisions of· the 1971 Act to the present proceedings. It was emphatically submitted that the apology tendered should be accepted and the proceedings be dropped. It may be noted that the reply containing the apology, and the explanation/justification came to be filed on 16.07.2020, after the Full Court granted him three opportunities. It is pertinent to note that the reply filed by Mr Oza is confined to the apology, the background which allegedly compelled him to hold the press conference and technical objections. There is no reply to the charges I allegations referred to in the show cause notice.

*** *** ***

31. Of course, the aforesaid observations have been made in the cases arising under the Contempt of Courts Act. Nonetheless the so-called apology tendered by Mr Oza is considered by the Full Court in the context of the facts and issue. It would also not be out of place to mention that such an apology has to be offered and that too clearly at the earliest opportunity available to the person concerned. In the instant case, Mr Oza had sought further time to file effective reply to the show cause notice twice on 18.06.2020 and 04.07.2020, however had not shown contrition or remorse at either of the times. ***The Full Court therefore has reason to believe that the apology tendered by Mr Oza at a belated stage along with the reply on merits is nothing but a "paper apology" and a calculated strategy to avoid the rigors of Rule 26 of the 2018 Rules.***

32. The aforestated view of the Full Court is also fortified by the various orders passed by this Court and the Supreme Court in the past in his own cases, in which Mr Oza had either misbehaved in the Court

or had made reckless and baseless allegations against the Judges, and then tendered unconditional apology*.....*

*** *** ***

34. However, Mr Oza has once again acted in the manner not befitting a Senior Advocate by holding the Press Conference on 05.06.2020, and making reckless, baseless, scurrilous and scandalous remarks against the High Court as an Institution, and publicly branding the High Court as a "gambling den". Such a misconduct on the part of Mr Oza has brought tremendous disrepute and caused great damage to the prestige and dignity of the High Court. The Full Court therefore is of the firm view that the apology tendered by Mr Oza does not deserve to be accepted. ***Having regard to the aforesaid facts, the Full Court is of the opinion that Mr Oza should not be permitted to adopt the policy of "slap - say sorry & forget"****. This policy has been habitually indulged in by Mr Oza which has brought tremendous disrepute to the institution and the legal profession as a whole.* ***The Full Court is further of the view that the apology tendered by Mr Oza does not deserve to be accepted as time and again Mr Oza has committed breach of the trust reposed in him by this Court and the Supreme Court of India.***

*** *** ***

45. Having regard to the grave misconduct on the part of Mr. Oza in calling the press Conference on 05.06.2020 and publicly branding the High Court as a "Gambling Den", apart from making other reckless and baseless allegations against the High Court, the Full Court is of the unanimous opinion that Mr. Oza is guilty of the conduct which has disentitled him to continue to be worthy of the designation of the Senior Advocate, and that this is a fit case to review its earlier decision of designating Mr. Yatin Narendrabhai Oza as a Senior Advocate and to recall the said designation under Rule 26 of the 2018 Rules. Thus, the Full Court unanimously reviews and recalls its decision

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dated 25.10.1999 to designate Mr. Yatin Narendrabhai Oza, Advocate as a Senior Advocate.

It is resolved accordingly"

(Emphasis supplied)

6. In the wake of Full Court's decision, the Appellant approached this Court in Writ Petition (Civil) No. 734 of 2020. On 06.08.2020, this Court passed the following order:

"The common theme which goes through all these submissions is that the petitioner has been a leader of the Bar and has made considerable contribution but at times has exceeded his brief in expressing his sentiments in a language which is best avoided. This appears to be another incident of the same nature as in the past.

The counsels and the petitioner state that there was an unqualified apology even before the Full Court and before the Court seized of the contempt matter. We may note that the petitioner himself has been quite apologetic before us and states that he should not have used the words he used and those words were used in the heat of the situation where everybody is troubled by the prevailing problem of Covid and the grievances of the younger members of Bar. The counsels and he both submit that his statements were uncalled for which he deeply regrets. The petitioner goes as far as to use an adjective against himself for using such intemperate language and assures not to ever in future repeat such conduct. We did put to him that the grievances may exist but can always be conveyed in a better language. Systems can be improved but imputations should not unnecessarily be made.

The contempt proceedings are still pending and in view of his unconditional apology both before the Full Court, the contempt proceedings and before us, we consider it appropriate that the contempt court itself first applies its mind to the issue. The

petitioner has no hesitation in saying that he has apologized unconditionally and will apologize unconditionally in the contempt proceedings and pray for bringing to closure those proceedings.

He submits that he will also make a representation to the Full Court stating that the deprivation of his gown for the existing period already is sufficient punishment for him and he stood chastened and that the Full Court may reconsider the aspect of the restoration of the senior's gown rather than depriving him for all times to come.

We have put to the petitioner that as a leader of the Bar and as a senior member, a far greater responsibility is expected of him to not only be more restrained but also to guide the younger lawyers in these difficult times.

We consider it appropriate to defer consideration of the present matter by two weeks and we hope, in the meantime, a finality would be given to the two aspects we have stated aforesaid."

(Emphasis supplied)

7. Pursuant to the said order, the Appellant filed a short affidavit dated 10.08.2020 before the Full Court tendering his unconditional apology. However, upon reconsideration of its earlier decision dated 18.07.2020, the Full Court remained unpersuaded to take a divergent view and declined to accept the Appellant's apology. The Full Court noted as thus:

"15. The Hon'ble Supreme Court while observing that Mr. Oza may make a representation to the Full Court stating that deprivation of his gown for the existing period. already is sufficient punishment for him and he stands chastened has also expressed hope that the High Court may give finality to the same. However, with a very heavy heart and

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with utmost reverence to the expression of hope, the unpardonable conduct of Mr. Oza does not persuade us to accept his apology at this point of time. The observations made by the Full Court in its decision dated l8th July 2020 bears eloquent testimony to the fact that in the past also Mr. Oza had tendered such apologies. However, he has continued to indulge in acts unbecoming of a Senior Advocate by bringing disrepute and shame to the High Court as an Institution of Judiciary. All these aspects have been threadbare gone into in our decision dated 18th July 2020. In such circumstances, it would not be in the overall interest of the Institution to accept the apology and condone the act of Mr. Oza unbecoming of a Senior Advocate.

16. Why does Mr. Oza always expect the High Court to show magnanimity and pardon him for his misconducts? Why cannot Mr. Oza exercise restraint and behave in a manner befitting a designated Senior Counsel? A very well-articulated and conscious attack mounted on the Institution and that too for no good cause or reason, should not be overlooked, pardoned or ignored. If such an attack is not dealt with firmly, it will affect the honour and prestige of the highest Court of the State. Such malicious, scurrilous and calculated attack on the very foundation of the Institution of the Judiciary cannot be wished away with apologies.

17. To accept any apology for a conduct of this kind and to condone it would tantamount to a failure on the part of tile High Court as an Institution of Judiciary to uphold the rnajesty of the law, the dignity of the Institution and to maintain the confidence of the people in the judiciary. The Full Court is of the view that to accept the apology of Mr. Oza would be a failure on the part of the High Court to perform one of its essential duties solemnly entrusted to it by the Constitution and the people. The apology at such a belated stage even if it is assumed to be sincere and bonafide has to be rejected as the same has paled into insignificance in view of the irreparable damage caused to the prestige and honour of the Institution.

18. For all the reasons recorded above, the Full Court unanimously declines to accept the apology and accordingly the representation of Mr. Oza dated 10th August 2020 stands rejected.

It is resolved accordingly."

8. Similarly, the Appellant also filed an additional affidavit dated 11.08.2020 before the High Court in contempt proceedings reiterating that he had no intention to scandalize or lower the authority of the High Court and further prayed to accept his unconditional apology. Nonetheless, the High Court by order dated 26.08.2020 refused to accept the apology tendered by Appellant *inter-alia* relying on similar past incidents, the conduct of Appellant in laying challenge to the order of contempt rather submitting an apology, etc. and noted as thus:

"21. The repeated acts and conduct of contempt would definitely be one of the guiding factors for the Court to hold that apology tendered is not bona fide and lacks sincerity and therefore, an unacceptable proposition. Every time scurrilous remarks against the Judges and the institution are made and when he realises that there is no escape route, the weapon of unconditional apology comes to his rescue. This was permitted in the past upkeeping a rich tradition of Kshama Virsya Bhushanam (forgiveness is the jewel of the heroes) showing magnanimity every time he acted, even hoping, trusting and believing in the wise words that every saint has a past and every sinner a future, not only it has emboldened the person to go on attacking the institute with more fervency, if still permitted, this institution would be inviting for itself more and many

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such unsubstantiated, unsustainable and baseless attacks from various quarters. A clear and loud message is a must to be sent that we are open to every healthy criticism respecting the fundamental right of freedom of expression and at the same time, we are obligated not to permit any attempt to tarnish the image of the Institution and to despise and damage the prestige of the same and to demean the respect it enjoys by one and all.

21.1. What speaks louder than the words is the action. Words which have no backing of either intent or deed or action are hollow and lifeless. Words which are in fact lived with sincerity and commitment ingrained, only have capacity to create an impact or otherwise, they are words without soul and heart which wholly lack authenticity. Entire gamut of facts when dispassionately and objectively viewed, we are unable to accept these words as true words of remorse and contrition and therefore, request to accept apology even if termed as unqualified, cannot be acceded to. We are also alive to the genuineness of requests of both the learned senior counsels, whose towering support to the respondent also may not persuade us to act otherwise.

22. We clarify that the expressions in this order or the findings recorded hereinabove seeming to be touching the merit of the respondent's alleged contemptuous acts and utterances or his defence in that regard are only in the context of and in relation to the consideration of question on the aspect of apology. They are the prima facie expressions and findings in consideration of the said specific aspect and they shall not at all prejudice the respondent in course of the further consideration of the matter.

23. In light of all the foregoing reasons and discussion, we are constrained not to accept the apology tendered by the respondent."

9. Aggrieved upon consideration of past incidents by the High Court, the Appellant filed another additional affidavit dated 16.09.2020 urging that those incidents were not part of contempt show-cause notice and cannot be relied upon by the High Court. Taking the objection on record, the High Court heard the matter on merits and held Appellant guilty of criminal contempt *vide* impugned order dated 06.10.2020 on the following grounds:

a. Registry is included in the definition of 'Court' and even otherwise, Court cannot be conceived *sans* administrative wing. Both the judicial wing and Registry are inseparable.

b. On perusal of allegations raised by the Appellant in entirety, without flavoring them with any context, it is clear that they were not raised merely against the Registry, but against the Judges in the garb of Registry.

c. By alleging that the High Court operates solely for the rich and influential, the Appellant cast a distorted picture of judiciary. The Registry acts merely as a facilitating arm for scrutiny; it does not adjudicate. Cases are ultimately placed before a Bench, where the issuance of notice and final outcome depend entirely on the facts and circumstances of

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each case. As such, reckless allegations, therefore, send a loud and clear message that undermines the faith of common man in the judiciary.

d. None of the allegations raised by the Appellant were found to be true as per report dated 30.09.2020 of the 3-Judge Committee formed by Hon'ble the Chief Justice of High Court in furtherance of the allegations. Therefore, truth as valid defense does not survive in favour of Appellant.

10. Dissatisfied, the Appellant preferred the instant appeal assailing his conviction and the order of sentence dated 07.10.2020. The appeal was heard along with Writ Petition (Civil) No. 734 of 2020. On 28.10.2021, this Court stayed the operation of the impugned order and disposed-of Writ Petition (Civil) No. 734 of 2020 temporarily restoring the senior designation of the Appellant for a period of two years from 01.01.2022 subject to 'impeccable behaviour' on his part. The relevant portion of the judgment dated 28.10.2021 has been reproduced in the forthcoming paragraph 35 of this judgement.

11. In view of the above order, the hearing of appeal was deferred. However, when the matter was taken up on 25.03.2025, the learned counsel for High Court prayed for time to file an affidavit to bring on record subsequent developments. Pursuant thereto, additional affidavit dated 04.08.2025 was filed, thereby bringing on record the Full Court decision dated 15.04.2024 taken in the backdrop of incident that took place on 09.04.2024 in the 10th Court during the hearing of the Special Civil Application (SCA) No. 5013 of 2024, listed in the Supplementary Board-I of the said Court.

12. *Vide* the decision dated 15.04.2024, the Full Court unanimously resolved to withdraw forthwith the Chamber Meeting decision dated 18.01.2024 to continue with the temporary restoration of the designation of the Appellant as senior advocate for further period of one year. However, considering the pendency of the instant appeal, the resolution was not acted upon and placed on record before this Court along with the video clip of the incident on 09.04.2024.

13. Insofar as incident dated 09.04.2024 is concerned, the affidavit states that the Appellant appeared in a matter for a

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private respondent without a briefing counsel who had filed vakalatnama. Further, when the Court had issued notice, the Appellant stood up and started to argue the matter intervening in between and raising the issue of jurisdiction. He further cast aspersions on the Court by saying *'This is nothing else but choosing the Court, forum shopping at your end.'*

14. Refuting the said allegations, the Appellant filed counter affidavit on 12.08.2025 coupled with an affidavit of apology. He submitted that his instructing counsel Shri Pinakin Rawal possessed duly signed vakalatnama. The Appellant was only appearing for Respondent No. 3. The issue of jurisdiction was serious in nature since the order impugned was passed by State Human Rights Commission exercising its power under Code of Criminal Procedure (in short **'CrPC'**) and hence, a Writ Petition (Criminal) should have been filed as against Writ Petition (Civil). The Appellant did not cast any aspersion against the senior counsel or the Hon'ble Judge at any moment. It is submitted that the allegation of 'forum shopping' was made against the client, i.e. the Petitioner and not the Court. Furthermore, the

submissions were made with the leave of the Court by the Appellant.

ARGUMENTS ADVANCED

15. Arguments on behalf of Appellant were led by battery of learned senior counsels Mr. K.K. Venugopal, Mr. Kapil Sibal, Dr. Abhishek Manu Singhvi, Mr. Arvind Datar alongside Mr. Sushil Kumar Jain, who in tandem urged that a quietus be put to the instant matter considering the entirety of the attendant circumstances. The Appellant has endured substantial and sufficient punishment having been stripped of his senior gown for over 2 years and has learnt his lesson. His profession life has taken a severe hit. It has been asserted that prolonging the punishment for long would cease his right to resume his livelihood and life as a practicing advocate. The Appellant is the President of GHCAA and integral part of our legal ecosystem. He has repeatedly tendered sincere unconditional apology before High Court and this Court, showing regret for his act.

16. Insofar as the remark 'Gambling Den' is concerned, learned senior counsels in unanimous submitted that Appellant admits

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the inappropriateness of the remark and concedes that he ought not to have made such utterance against the highest judicial institution of the State. He was emotionally charged and driven due to the desperation of the young juniors at the Bar who were struggling for their livelihood during COVID-19 pandemic. Numerous complaints were being filed before him agitating issues at the Registry. The remark was devoid of any malice against the institution and was upshot of an emotional outburst. Given the lack of any malice and continuous remorse, it is urged by learned senior counsels that these proceedings be closed, and the Appellant be forgiven.

17. On merits, it is submitted that the order dated 26.08.2020, passed in contempt proceedings, rejected the apology tendered by the Appellant primarily on two grounds namely – (i) three instances of past conduct (two in 2006 and one in 2016) and (ii) the Appellant's decision to challenge the initial order dated 09.06.2020 before this Court, rather than tendering apology to the High Court at first instance. It is contended by learned senior counsel that, the two incidents from 2006 were never referred in order dated 09.06.2020 whereby cognizance of criminal contempt

was taken against the Appellant. As such, the Appellant never had an opportunity to defend himself on those incidents. The High Court now cannot turn the clock back in time and rely on such incidents to effectively justify its findings, especially in contempt jurisdiction. Nevertheless, in both the incidents, the apology of Appellant was accepted by the High Court, contempt was closed and observations made against him by the High Court were expunged by this Court. Therefore, nothing *per se* emanating from those incidents survived against the Appellant. Qua the third incident of 2016, it is submitted that it related to widespread agitation at the Bar regarding resolution of the Collegium transferring a Judge of the High Court, leading to non-compliance of implementation of the resolution. Such resistance led the Appellant write a letter on behalf of the Bar expressing his anguish in uncalled harsh language, for which contempt proceedings were initiated against him. However, the Appellant expressed his remorse and tendered his apology, which was accepted by this Court *vide* order dated 31.08.2016 in ***'Yatin Narendra Oza v. Khemchand Rajaram Koshti'***[5] and the contempt proceedings initiated by the High Court stood closed.

5 (2016) 15 SCC 236.

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18. It is further submitted that, all the aforesaid three incidents fell for consideration of this Court in Writ Petition (Civil) No. 734 of 2020 filed by Appellant challenging the Full Court decision to divest him of his senior gown. This Court by judgment dated 28.10.2021 was pleased to pardon Appellant of his previous conduct and had temporarily restored his designation for a period of two years. Notably, no incident was reported in the interregnum against the Appellant.

19. The learned senior counsels have strenuously urged that an adverse inference ought not to have been drawn against the Appellant merely because he first chose to approach this Court challenging the order dated 09.06.2020, rather than tendering apology at the first instance to the High Court. This is a procedural choice of the litigant and merely on the pretext of exercising one option, the Appellant's apology ought not to have been rejected noting his choice of remedy.

20. Reverting again to the 'Gambling Den' remark, at the outset it is submitted that there is no justification for the same, however before convicting the Appellant, the High Court should have

taken into consideration the relevant mitigating and attendant circumstances. Throughout the proceedings, the Appellant has maintained that as President of the Bar, he was under tremendous pressure and navigating through emotional turmoil seeing the hardship faced by young advocates at bar during COVID-19 pandemic. Many advocates could not get the matters listed and every day multiple complaints were brought to him concerning Registry. In this regard, even the Court had noted the grievance of advocates regarding listing of matters. It was in these prevailing circumstances that the unfortunate remark came out as a spontaneous emotional outburst and should have been viewed not as a deliberate attempt but as a lapse or momentary slip-on part of the Appellant, for which he is deeply regretful and has tendered apology at every stage possible.

21. The High Court to hold Appellant guilty of criminal contempt has also relied on the report dated 10.06.2020 of the 3-Judge Committee, which was never put to the Appellant. The Committee *ex-parte* found all the allegations raised by the Appellant baseless *per se* and without giving him any opportunity of hearing, gave a conclusive report. The Appellant received

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several complaints, whereas the report of the Committee was based on merely 5 complaints. Strikingly, the Appellant was never heard by the Committee, though the lawyers about whose complaints the Appellant had alleged in the press conference, they were heard by the Committee. The High Court had negated the entire stand of the Appellant on the anvil of the report of the Committee.

22. Regarding the latest incident of 09.04.2024 (forum shopping) which is stated to have taken place during the pendency of this criminal appeal, it is submitted that neither the instruction counsel nor the client have raised any grievance against the Appellant for appearing in the case without any authority. Had such allegations been true, there would been complaint by this time. When the matter was called upon, the Appellant had informed the Court that he has instructions to appear on behalf of Respondent No. 3. It is further submitted that Appellant had never used the word *'forum shopping'* against the litigant or opposing counsel or the Court. Since the challenge before High Court was to warrant issued by State Human Rights Commission under CrPC, a Writ Petition (Criminal) should have

been filed, as against Writ Petition (Civil). The petitioner in that case had already filed a quashing petition for the very same dispute, wherein he did not get any order, and he appeared to have filed the Writ Petition (Civil) challenging the same warrant. It was in the said context the word was used and post thereto, even the High Court is seen saying that the same was seen passing in its mind. Even otherwise, at the end of arguments, the Appellant had tendered apology to the Bench.

23. On the question of no separate challenge to the Full Court resolution dated 15.04.2024, it has been submitted that such resolution has not been served to the Appellant till date and also not implemented by the High Court pending the present appeal. Therefore, effectively there is no operative resolution to lay challenge to.

24. Given the circumstances, it is submitted that the Court may put a quietus to the present litigation. The Appellant has already endured significant professional and personal hardship throughout these proceedings and has tendered several unconditional apologies, demonstrating his utmost respect for the dignity of the institution. Considering the Appellant's long-

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standing service to the Bar and in the interest of justice, it is prayed that his apology be accepted and the matter be closed once and for all.

25. Learned senior counsel appearing for the High Court, Mr. Vijay Hansaria vehemently contended that the Appellant's defence hinges on his subsequent tender of an apology. The High Court has *vide* impugned order rightly rejected his apology, noting that it is merely a paper apology and it lacked sincerity.

26. It is submitted that the trigger for Appellant's conviction for the instant contempt was his live press conference on 05.06.2020, for which he circulated a message on 04.06.2020 calling upon advocates to join a press conference, baselessly alleging that the Registry places matters *'as per choice of the advocates'*. The message further noted that *'billionaires have got their matters circulated in a day's time'* while non-VIPs wait for up to a month. During his live press conference, the Appellant scandalized the Court in the most absolute terms. He stated that the *'High Court is an absolute gambling den today, wherein only billionaires can gamble'*. When he was given an opportunity to

retract, he stated, '*Whatever action the High Court wants to take against me, it can take.....I have spoken on my own conscience*'.

27. Drawing our attention to the report of the 3-Judge Committee, learned senior counsel submits that these allegations were without any foundation of supportive facts and deemed them '*irresponsible, and at times, outrageous*'. Even otherwise, on a plain reading of the language, it cannot by any stretch of imagination be a whistleblower acting in the public interest; rather a deliberate attempt to tarnish the institution.

28. Learned senior counsel further submits that the Appellant's established track record demonstrates a clear pattern of '*slap, say sorry, and forget*'. Shortly after being designated a senior advocate, the Appellant issued a press statement in 2006 attacking Hon'ble Mr. Justice R.S. Garg (now retd.), using terms like 'unbecoming, unaccountable and arbitrary'. When contempt proceedings were initiated, he tendered an unconditional apology, and the proceedings were closed. Soon thereafter, in that same year, the High Court had to record his repulsive courtroom behaviour and advise him to conduct himself properly. However, these remarks were expunged by this Hon'ble Court on his

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apology. In 2010, he wrote to Hon'ble the Chief Justice of India accusing Hon'ble Mr. Justice M.R. Shah (retd. now – but as his Lordship was then Judge of High Court) of mortgaging his allegiance to a political party. Contempt was initiated against Appellant in 2016, though yet again on offering unconditional apology, this Court accepting the same had explicitly remarked that *'the apology and repentance shall see the appellant in a different incarnation*'. Nevertheless, in March 2020, the Appellant yet wrote another letter to Hon'ble the Chief Justice of India, calling Hon'ble Mr. Justice R.M. Chhaya (retd. now) a 'defunct and non-performing judge, absolutely lazy and idle'.

29. This Court *vide* order dated 28.08.2021 while temporarily restoring the gown of the Appellant for two years, had in categorical terms stated that fate of the Appellant would depend on his appropriate conduct as a senior counsel before his own High Court, which will have the final say and there is a hope that the Appellant abides by his assurances and does not give any cause for the High Court or for this Court to think otherwise. However, it is submitted that, even while this very appeal is pending and the execution of his sentence suspended, the

Appellant's conduct remains persistent. Despite the magnanimity of this Court, on 09.04.2024, the Appellant while appearing before a Single Judge of the High Court alleged forum shopping, compelling the Full Court of the High Court to recall the restoration of his Senior designation by resolution dated 15.04.2024. However, the said decision was brought to the notice of this Court considering the pendency of instant appeal and the decision has been kept in abeyance.

30. Concluding his arguments, Mr. Hansaria, learned senior counsel urges that privilege of the Senior gown comes with an absolute duty to maintain the dignity of the Court. The Appellant's statements were not made in the heat of the moment, they were planned, broadcast via live telecast, and circulated via WhatsApp. The High Court is the highest judicial institution of the State, and had it been an isolated incident, the act could have been pardoned. If this Court were to once again accept the apology from the Appellant who has a history of being in contempt, it would not be an act of magnanimity, but a retreat and cause irreparable damages to the prestige of the judiciary. Reliance is placed on ***Prashant Bhushan (Contempt Matter), In***

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***re*[6], *Prashant Bhushan (Contempt Matter), In re*[7], *Mohit Chaudhary (Contempt Matter), In re*[8], *Mahipal Singh Rana v. State of U.P.*[9]**

FINDINGS

31. We have heard the learned counsel for the parties and have gone through the exhaustive record which details the long and chequered history of the present appeal. It is the case of a designated Senior Advocate who has found himself on the wrong side of the Court's forbearance more often than not, primarily owing to his dual-role as a Senior Advocate as well as the President of the Bar Association. The only question which arises for our consideration is *whether the conviction and sentence imposed by the High Court on the Appellant under the 1971 Act vide the impugned order requires interference by this Court?*

32. While the instant appeal arises out of an incident which occurred in 2020, the Appellant had earlier, in 2006 as well as in 2016 also had a brush with contempt. The remarks made against

6 (2021) 1 SCC 745.
7 (2021) 3 SCC 160.
8 (2017) 16 SCC 78.
9 (2016) 8 SCC 335.

the Appellant by the High Court in 2006 were expunged by this Court, giving him a long rope, while this Court accepted the Appellant's apology in its order dated 31.08.2016[10] in Criminal Appeal No. 841 of 2016 arising out of the proceedings of 2016.

33. It goes without saying that the Appellant faced two concurrent proceedings arising out of the incident of 2020 detailed above, the instant appeal arises out of the contempt proceedings where he was found guilty, while simultaneously the Full Court of the High Court also recalled his designation as a Senior Advocate *vide* the order dated 21.07.2020 under Rule 26 of the High Court of Gujarat Designation of Senior Advocate Rules, 2018. The proceedings arising out of the recalling of his designation reached this Court in Writ Petition No. 734 of 2020 which was disposed of by a detailed judgement dated 28.10.2021, maintaining the order of the Full Court while also exercising the powers under Article 142 of the Constitution of India to restore the senior designation of the Appellant for a period of 2 years from 01.01.2022 subject to the Appellant exemplifying 'immaculate behaviour'.

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10 (2016) 15 SCC 236.

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34. The High Court in the impugned judgement has laid emphasis on how the contempt proceedings under the 1971 Act and recalling of designation under Rule 26 are completely distinct proceedings and they can run parallel to each other, even when they arise out of the same source or incident. The Court has also found that merely because the Appellant's senior designation has been recalled by a decision of the Full Court, it cannot be considered to be sufficient punishment in order to not punish the Appellant for contempt in proceedings under the 1971 Act. We agree with this conclusion of the High Court. Indeed, criminal contempt under Section 2(c) of the 1971 Act is distinct from recalling of designation and the power to punish for contempt is not only statutory under the 1971 Act, but also Constitutional, *viz* Article 215 of the Constitution of India.

35. This Court, while disposing of the Writ Petition No. 734 of 2020 *vide* order dated 28.01.2021 which was being heard along with the instant appeal, consciously kept the instant appeal pending and stayed the conviction of the Appellant in the contempt proceedings in the record of proceedings dated 28.01.2021 in the appeal. The intent of the Court is quite

luculent and can be gathered from reading the said order, relevant paragraphs whereof have been reproduced as under:

> *"**8.** Dr Singhvi and other counsel, coming to the aid of their colleague of long standing, **did not seek to justify the conduct of the petitioner**. **The direction of the argument has been that this Court should show compassion**. The withdrawal of designation is not limited by time and is disproportionately harsh as the petitioner is not being given an opportunity to redeem himself. The filing of an application afresh for designation after the specified time bar is stated to not really be a redemption.*
>
> ***9.** Dr Singhvi sought to explain that the petitioner had bona fide raised issues within the institution regarding non-circulation of matters, based on a large number of complaints received from the members of the Bar by him by reason of his holding the position of the President. The petitioner endeavoured to resolve the grievances within the system by writing several letters and making many representations which were in a sober and restrained language. The grievance was stated to be not one against the Judges, but against the manner of working of the Registry. On account of his helplessness and not being able to provide solace to the lives of the suffering advocates, the petitioner even resigned as the President of the Bar but on account of the unanimous opinion of the Bar, withdrew the same. The press conference was stated to be the culmination of his inability to resolve the disputes, as a last resort. The petitioner got emotionally overwhelmed during the Press Conference and made utterances of which he has been very apologetic from the very beginning. It was submitted that the emotional utterances were not preplanned, and therefore, parts of what he said are sought to be relied upon to substantiate that he was not making allegations against the Bench as a whole.*
>
> ***10.** In the proceedings before the Full Court also it was submitted that at the threshold an apology had been*

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submitted. However, the Full Court had opined that even if the apology would have been given at the first instance, still the apology would not have been accepted as it was not submitted at the threshold. The consequence of the decision of the Full Court is stated to be that the contempt proceedings became fait accompli.

11. *Dr Singhvi really sought to canvas on the proportionality of the Full Court's decision, as did the petitioner who intermittently addressed the Court; even volunteering that he at times loses his balance while performing the role as the President of the Bar and that he is willing to give an undertaking that he will never contest elections to the Bar Association. We informed him that that was a decision of his own to take and we certainly would not like to inhibit his right to contest the elections as a member of the Bar.* ***It was his say and that of his counsel that the petitioner has learnt his lesson and, thus, an opportunity must be given to him for redemption****.*

12. ***The withdrawal of designation was stated to be the most severe punishment for any Senior Advocate*** *and in that behalf, the observations of Dickson, C.J. of the Canadian Supreme Court in a historic case of R. v. David Edwin Oakes [R. v. David Edwin Oakes, 1986 SCC OnLine Can SC 6] were referred to in Modern Dental College & Research Centre v. State of M.P. [Modern Dental College & Research Centre v. State of M.P., (2016) 7 SCC 353 : 7 SCEC 1] as under : (Modern Dental College case [Modern Dental College & Research Centre v. State of M.P., (2016) 7 SCC 353 : 7 SCEC 1] , SCC p. 415, para 63)*

> *"63. …'71. … The more severe the deleterious effects of a measure, the more important the objective must be if the measure is to be reasonable and demonstrably justified in a free and democratic society.' (David Edwin Oakes case [R. v. David Edwin Oakes, 1986 SCC OnLine Can SC 6] , SCC OnLine Can SC para 71)"*

13. In the conspectus of the aforesaid ***we really find little ground to interfere with the impugned order before us****. We respect the views of the High Court but still endeavour to give* ***one more and last chance to the petitioner****. In a way this can really be done by recourse to Article 142 of the Constitution of India as there is merit in the contention of the learned counsel for the High Court that there is no real infringement of the fundamental rights of the petitioner. The question is in what manner this last chance should be given?*

14. We are of the view that the ends of justice would be served by seeking to ***temporarily restore the designation of the petitioner for a period of two years from 1-1-2022****. It is the* ***High Court which will watch and can best decide how the petitioner behaves and conducts himself as a Senior Counsel without any further opportunity****.* ***It will be for the High Court to take a final call whether his behaviour is acceptable in which case the High Court can decide to continue with his designation temporarily or restore it permanently****.* ***Needless to say that if there is any infraction in the conduct of the petitioner within this period of two years, the High Court would be well within its rights to withdraw the indulgence which we have given for two years which in turn is predicated on the assurances given by the petitioner and his counsel for the immaculate behaviour without giving any cause to the High Court to find fault with his conduct****.*

15. In effect, the fate of the petitioner is ***dependent on his appropriate conduct as a Senior Counsel before his own High Court, which will have the final say****. All we are seeking to do is to give him a chance by providing a window of two years to show that he truly means what he has assured us.* ***We can only hope that the petitioner abides by his assurances and does not give any cause for the High Court or for us to think otherwise****.*
16. We dispose of the writ petition with the aforesaid directions with this sanguine hope."

(Emphasis supplied)

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36. The Court, in the aforesaid order has effectively given the Appellant a slap on the wrist, a breath of a new life with an opportunity for reform by exercising its powers under Article 142 of the Constitution of India, in what can only be called an exemplary show of magnanimity of Constitutional Courts in India. What is clear from a reading of paragraph 8 is that the counsel for the Appellant did not make a serious attempt to justify the actions of the Appellant in those proceedings. Even in the proceedings of the instant appeal, it has been submitted by the learned senior counsel appearing for the Appellant that his actions cannot be justified, but it has been prayed that the contempt proceedings should be given a *quietus* considering the order dated 28.01.2021 in the aforementioned Writ Petition and his profuse and unconditional apology and undertaking to not engage in any such acts in the future.

37. The Appellant has suffered the deprivation of his senior designation from 21.07.2020 to 31.12.2021 (since this Court restored his senior designation from 01.01.2022 onwards), a period of 1 year 5 months and 10 days which not only affected his professional working but also must have been a reason for social

embarrassment and personal agony. Even though we agree with the finding of the High Court that the recalling of senior designation, even arising from the same facts, is completely distinct from the punishment for contempt, we cannot turn a blind eye to the consequences arising out of the same source which have befallen the Appellant even though it may not dampen the effect or force which is carried through these contempt proceedings.

Apology of the Appellant

38. The Appellant has shown remorse and apologized profusely at various instances before this Court and before the High Court. In response to the initiation of contempt by the High Court *vide* order dated 09.06.2020, the Appellant apologized in his very first reply dated 07.07.2020 filed on 10.07.2020 in the following terms:

> "*1. I state that the present proceedings have been initiated against me taking note of certain statements made by me to the press on 05/06/2020. I state that I hold the Honourable Court in the highest regard and it was not my intention whatsoever to scandalise or lower the authority of the Honourable Court in any manner whatsoever. I further state that I have not cast the slightest aspersion or made any insinuation against any Judge of this Honourable Court in my statements. I have also expressed*

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there in no uncertain terms at more than one place that I have absolutely no complaints with the Honourable Judges and they have never favoured anybody. The grievances were voiced against the functioning of the Registry and though I honestly believed that criticism of the functioning of the Registry may not amount to contempt of Court, in retrospect, I do realise that the· mode and manner of voicing grievances was unwarranted. I wish I was more circumspect. I should not and ought not to have alleged corrupt practice in the Registry and used terminology of 'gambling den' which was with respect to the fate of the matters in the Registry, where some are and some are not listed. For that and for all my emotional utterances that may amount to the slightest contempt of this Honourable Court, I sincerely tender my unqualified apology.

...

14. Needless to say, because of the incessant calls from the lawyer members expressing their dismal conditions, I was then passing through sleepless nights and I was terribly, terribly disturbed within. The anguish in my utterances, use of unjustified language here and there needs to be viewed in this background and may kindly be taken in stride. There are number of instances inter-alia as per ANNEXURE X hereto, where the Courts have turned a forgiving eye to criticism of itself and I pray that it may be done in this case too. I have already expressed my sincere regrets and I reiterate them here that if any action of mine constitutes the slightest contempt of this Honourable Court, I unconditionally apologize for the same. My respect for our Court is self-evident from my address of 1/5/2020 on the occasion of the 60th year of our Court, which is at ANNEXURE Y hereto.

..."

39. Likewise, in the proceedings for recalling of the senior designation before the Full Court, the Appellant tendered an unconditional apology on 16.07.2020. Upon challenging the order

dated 21.07.2020 of the Full Court recalling the senior designation of the Appellant before this Court in Writ Petition No. 734 of 2020, the Appellant's apology was recorded by this Court as well in its interim order dated 06.08.2020 as thus:

> *"The common theme which goes through all these submissions is that the petitioner has been a leader of the Bar and has made considerable contribution but at times has exceeded his brief in expressing his sentiments in a language which is best avoided. This appears to be another incident of the same nature as in the past.*
>
> ***The counsels and the petitioner state that there was an unqualified apology even before the Full Court and before the Court seized of the contempt matter. We may note that the petitioner himself has been quite apologetic before us and states that he should not have used the words he used and those words were used in the heat of the situation where everybody is troubled by the prevailing problem of Covid and the grievances of the younger members of Bar. The counsels and he both submit that his statements were uncalled for which he deeply regrets. The petitioner goes as far as to use an adjective against himself for using such intemperate language and assures not to ever in future repeat such conduct. We did put to him that the grievances may exist but can always be conveyed in a better language. Systems can be improved but imputations should not unnecessarily be made.***
>
> ***The contempt proceedings are still pending and in view of his unconditional apology both before the Full Court, the contempt proceedings and before us, we consider it appropriate that the contempt court itself first applies its mind to the issue. The petitioner has no hesitation in saying that he has apologized unconditionally and will apologise***

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unconditionally in the contempt proceedings and pray for bringing to closure those proceedings.

He submits that he will also make a representation to the Full Court stating that the deprivation of his gown for the existing period already is sufficient punishment for him and he stood chastened and that the Full Court may reconsider the aspect of the restoration of the senior's gown rather than depriving him for all times to come.

We have put to the petitioner that as a leader of the Bar and as a senior member, a far greater responsibility is expected of him to not only be more restrained but also to guide the younger lawyers in these difficult times.

We consider it appropriate to defer consideration of the present matter by two weeks and we hope, in the meantime, a finality would be given to the two aspects we have stated aforesaid."

(Emphasis Supplied)

40. The High Court, in a detailed order dated 26.08.2020 in the contempt proceedings, after examining the jurisprudence relating to apology under Section 12 of the 1971 Act, rejected the apology of the Appellant and proceeded to hear the matter on merits. The High Court found that his apology was neither sincere nor *bona fide*. In this context, it has been submitted by the Appellant that the High Court ought not to have rejected his apology *vide* the said order, since this Court had made an observation about his unconditional apology in its interim order dated 06.08.2020 quoted above, since a request or a hope expressed by this Court

is to be construed as a direction. The said contention of the Appellant cannot be accepted; this Court had recorded the apology extended by the Appellant in its order, but it had not expressed any opinion on its merits. The Court merely observed that since the contempt proceedings are pending, the High Court must apply its mind to the issue considering the apology as tendered by the Appellant since the power of contempt is inherent to the High Court under Article 215 of the Constitution of India read with the 1971 Act and the discretion to accept or reject the apology is retained with the High Court. It cannot be said that this Court directed the High Court to accept the apology of the Appellant.

Overall circumstances

41. It has further been urged by the Appellant that there were several mitigating circumstances surrounding the statements made by him on 05.06.2020 which gave rise to the instant contempt proceedings. The learned senior counsel appearing for the Appellant has urged that these circumstances are not being brought to the notice of the Court in order to justify the statement made, particularly the use of the term 'gambling den',

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but rather for this Court to take a sympathetic and generous view by understanding the compulsions and massive pressure which he was subjected to at the relevant point of time which culminated in an emotional outburst. The statement in question was made during the first wave of the COVID-19 period after the imposition of the nation-wide lockdown. During the relevant period, Courts were functioning virtually and the Appellant claims that being the President of the Bar Association, he was under immense pressure from the advocates, specifically junior lawyers who complained to him about the non-circulation of matters by the Registry of the High Court and non-listing of their matters. The Appellant has filed several documents, including the GHCAA resolution dated 05.05.2020 detailing the complaints received by the Appellant about non-listing of matters, coupled with allegation of manifold objections raised by the Registry for non-removal of objections.

42. At this juncture, to see if mitigating factors may have some bearing on the Appellant's actions, it is imperative to examine them. The Appellant has heavily premised his case on the emotional scale, contending that he was burdened with

complaints of junior advocates and was taking active steps to redress them. On perusal of GHCAA resolution dated 05.05.2020, it is seen that indeed the Appellant was receiving complaints from large faction of advocates regarding e-filing of cases and the matter was taken up with the Registrar (Judicial), whereafter certain mechanism was worked out. The resolution also bears mention about stern medical advice to the Appellant to stay away from his mobile. As is further borne from the records, the discussion continued between the Bar and the Bench to resolve the issues, however considering the grappling situation of COVID-19, the issue of listing of matters persisted. Eventually, the Appellant *vide* letter dated 02.06.2020 addressed to Secretary General of the GHCAA, resigned from the post of President. In this backdrop, the tenor of the letter assumes significance and hence, is reproduced below:

> *"2. It is for the first time I find myself absolutely helpless not only to redress the grievances of the majority of the Members of the Bar, but more than that, I have miserably failed to wipe out the tears, miseries and the difficulties being faced by them in this hard time, when they need my support the most. More than 700 juniors have either by way of telephonic conversation or by way of whatsapp massage or by personal meeting, expressed their pathetic and disastrous financial situation. Almost before 15 days, I informed you that in pursuant to an order placed for food*

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to a restaurant, a person who came to deliver the food from a restaurant through Swiggy, was a regular practitioner of our court, who preferred to serve as a delivery man rather than to meet with starvation. We mutually discussed that there are several. advocates who showed their readiness for taking away of their car in lieu of financial assistance, when they were put a query by the Committee as to why they need assistance from the Bar when they own a car, practically each one of them said that their car may be taken away but financial assistance be provided. Large number of members of the Bar represented to me that since they cannot muster courage to speak, they have voted me as President so that I can take up their cause and speak on their behalf. Many of them could not vote in the Referendum because they were absolutely unaware about the mechanism to vote.

... ...

16. Friends, during this time of pandemic, I have been performing my duties to the best of my ability. I have answered more than 100 to 150 calls a day, 300 whatsapp messages a day. Even at mid-night hours, when Mr. Raghuvir Chaudhary messaged me at 1.30 a.m., I replied back at 1.35 a.m.. Not only have I replied to the messages, I have even talked to the advocate concerned on phone dialled from my side to either understand their grievance or to inform them that their grievance has been answered. I have taken up each and every issue put before me at different levels for its redressal. Only one message that went out of my sight was one from Mr. Nimish Kapadia which I could not pursue.

17. I have tried my level best to resolve the problem of the members of the Bar by personally attending to it. I will be most disgraceful if I do not mention the most friendly attitude and kind co-operation extended to me by Hon'ble the Chief Justice. On number of occasions for small matters, I sought his appointment or called him. With a smiling face, he always redressed the grievances of the Bar. On Saturday last, i.e. Managing Committee had a

zoom meeting with Hon'ble the Chief Justice, where also he lent his ears to all the members of the committee……

… … …"

43. Further, by letter dated 05.06.2020 addressed to Hon'ble the Chief Justice of the High Court, the Appellant on the insistence of around 40 junior members of the Bar, re-agitated the issue of inaction on part of the Registry, raising the allegations of nepotism and favouritism coupled with difficulties being faced in getting the matter listed despite sincere efforts. The relevant portion of the letter is reproduced:

"A group of 40 advocates came to meet me yesterday. Most of them were juniors. They specifically came to see me not only with a grievance that their matters are not being circulated for number of weeks (which they have accepted now), but to draw my attention to the fact that how matters of billionaires are circulated in no time. They not only expressed their anguish, but frustration and depression too.

2. At least 100 advocates (reserved figure) in last three days, have either approached me or the Secretary General making a serious grievance and complaint that their matters even though filed in a single PDF, for fortnight have not been listed despite of their sincere attempts and efforts. ***The Registry, it appears, is held bend determined to fall prey to nepotism and favoritism. I will only give one example. A wife filed a bail application for and on behalf of her husband and a funny objection raised by the Registry was that the sex of the wife is not stated and for this reason, the matter was not circulated for ten days.*** *I can give similar such 100 examples, notwithstanding your Lordship's clear*

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instructions not to raise any objection other than vakalatnama and affidavit and circulate the matter upon an undertaking of an advocate, for days and months the Registry does not circulate the matters.

... ...

5. I am prepared to come to your Lordship ***to show the miseries and sufferings of the advocates by their communication either by way of text messages or whatsapp messages and I am prepared to show your Lordship all the messages to appreciate the heart burning of the advocates****.*

6. Now let me show to your goodself why the heart burnings, depression and frustration. I have annexed for your Lordship's perusal the case status reports downloaded from the official website of the High Court. As per the case status, which has been downloaded from the website of the High Court, one Mr. Areez Khambhata filed a petition on 29th May, 2020. Everyone knows who is Mr. Areez Khambhata. He walks away with the order on 3rd of June, 2020.....

... ...

7. With a view to not make this letter lengthy I request your Lordship to give me an appropriate time suitable to your Lordship, wherein I will be further able to show five more cases graver than this, wherein the matters have been circulated in 24 hours or preponed without any note or CA. However, for your Lordship's perusal, I have annexed the details of all the five cases. Three of them are of smugglers (according to the Government of India) and two are by top industrial houses.

8. ***Notwithstanding juniors and non-VIP client making desperate efforts to get the matters registered by sending personal messages to the Deputy Registrar, nothing has been done in their matters. Nobody attends their phone calls. Nobody attends the helpline numbers and bar is now on the verge of frustration and depression****. A very clear,*

unequivocal and certain message is being sent that certain Advocates get top most priority in getting their matters filed and circulated and there cannot be better example than what has been stated above. ***Depression and frustration have gone beyond limit amongst the advocates****……"*

44. From the above, it is gathered that undeniably the Appellant had been fighting for a legitimate cause, however, in his pursuit to champion the cause, especially as the President of the GHCAA, he appears to have veered into a wrong path under what appears to be emotional distress. Certainly, COVID-19 was such an unprecedented period in our lives where there was great global disruption, human behaviour was disoriented in a somewhat 'survivalist' overload due to the immense pressure of survival. In such circumstances, we are also aware of the immense pressure that the Appellant must have been under, from all quarters of the Bar. While we acknowledge the inherent human tendency to be swayed by emotional impulses fumed by the conviction to defend a cause, such cause must not come at the cost of the dignity of the institution, more particularly, when the allegations have the tendency to disrupt the public faith in the justice delivery system as a whole. The Appellant must realize that as a Senior Advocate, he assumes a heightened duty to exercise restraint and uphold

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the absolute dignity of all Courts, including the High Court, which stands as the highest judicial institution of the State. The public at large might ascribe great weight to his words and statements made by him may ultimately affect the perception in the minds of the litigants about our justice delivery system, especially so when it has also come on record that the Appellant ensured that his statements are widely reported and publicized. We must caution that a leader of the Bar cannot afford to let emotional volatility dictate his actions. Therefore, such conduct is unacceptable, especially in matters concerning the majesty and authority of the Court and even severe emotional distress cannot be used as an excuse to seek pardon for such conduct.

Decision on Merits

45. In the above conspectus, although some arguments have been made by the Appellant challenging the findings of the High Court, the conviction and sentence on merits, we are not inclined to interfere with the order impugned. The statement made by the Appellant against the High Court and its Registry was intemperate, scurrilous and completely irresponsible, it lowered

the authority of the Court and brought down the credibility of the institution as a whole.

46. It is needless to mention here that the Courts are the foundational pillar of our judiciary. While we, judges, advocates, registry staff, supporting staff and thousands of other employees are all merely temporary tenants of these hallowed halls of justice, the institution itself is immortal, it will long outlive all of us. Courts are an edifice built to endure long after our transient contribution has concluded and the legacy, majesty and supremacy of the Courts must inevitably outlast us all. These very Courts act as the respite for litigants to seek enforcement of their rights, for the common man to seek justice. We all, therefore, as citizens of India, collectively owe a duty to the institution to keep the justice delivery system in the highest regard and to ensure that its credibility is not brought down.

47. The statements made by the Appellant although contumacious standalone, but we cannot also lose sight of the judgement of this Court in the 2016 judgement of ***Yatin Narendra Oza*** (Supra) where this Court accepted the apology of the Appellant in respect of contempt proceedings initiated against

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him in 2016. This Court, while accepting the apology had specifically observed as thus:

> *"14. Coming to the case at hand, after hearing the learned counsel for the parties, we enquired from Mr Sibal and Dr Singhvi, learned Senior Counsel, whether the appellant is present in the Court and we got the answer in the affirmative. Be it stated, Mr Raval, apart from being critical of the irresponsible proclivity of the appellant, has also expressed his anguish that he has been indulging in similar activities and giving interviews to the electronic media. In essence, the submission of Mr Raval is that habits are difficult to be comatosed. Regard being had to the said submissions, we required the appellant, Yatin Narendra Oza, who is present in the Court, to file a further affidavit and for the said purpose we passed over the matter directing that it would be taken up at 12.30 p.m. When the matter was taken up at the stipulated time, the second affidavit was brought on record.* ***The affidavit that has been filed today in addition to the affidavit that had already been filed on 25-8-2016, reiterates that the appellant tenders unconditional apology and undertakes that he shall not speak on the subject in issue in public except in court proceedings****. On further hearing, it has been clarified that he shall neither speak nor give any kind of interview to either electronic or print media on the subject in question.*
>
> *15. Taking note of the affidavits filed on the previous occasion and that of today, we are disposed to think that the* ***appellant is repentant and the repentance is sincere; and the regret, honest. The tenor of the affidavits, as we perceive, is unmistakably relatable to the expression of regret and unconditional apology.*** *Centuries ago, Demosthenes, the famous Greek thinker had said "articulation has to be sincere and honest".* ***We treat the apology offered by Mr Yatin Narendra Oza, who is present and the filed affidavits to be sincere and accordingly we exonerate him. Needless to say, if the appellant will speak in***

the tenor he has spoken, that may tantamount to ex facie contempt of the court.

16. ***We possibly would have proceeded to state "all is well that ends well", but we refrain from saying so as the unconditional apology remains on record and we have taken cognizance of the repentance as we think the regret, the apology and repentance shall see the appellant in a different incarnation. We expect the appellant to constantly remind himself that the standing and dignity of the Court matters to the nation and also to the collective.***

17. The appeal is accordingly disposed of and consequently the proceeding for contempt initiated by the High Court stands closed."

(Emphasis supplied)

48. If we look to the observations made by this Court in its 2016 judgment, the Appellant's apology was accepted and contempt proceedings were closed but he was put to caution by this Court, he was informed about the importance of the dignity of the Court and his duty to uphold it. His undertaking to act cautiously is what seems to have weighed on the mind of this Court and it is based on his undertaking that those proceedings were closed, giving him a final chance. This caution and acceptance of his apology in line of his undertaking, certainly has bearing on his conduct in 2020. The Court in its magnanimity has extended forbearance and forgiveness to the Appellant on various occasions but perhaps the incident of 2020 is the straw

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that broke the camel's back. The Court, in its magnanimity may accept apologies 100 times, but perhaps it is the 101st time that acts as the final straw. Considering that the Appellant's apology was accepted earlier and contempt proceedings of 2016 were closed by this Court, the conduct of the Appellant in 2020 should have been tempered and conditioned keeping such apology in his mind.

49. The Appellant has throughout maintained that he was merely flagging genuine issues with the Registry but the fine line between fair criticism and a contemptuous statement must be adjudged from the facts and circumstances of each case. To term a Court as a 'gambling den' cannot, in any case, be the method to criticize its functioning, by any person, let alone a Senior Advocate and more so, the President of the Bar Association. On merits, the finding of the High Court does not require any interference by this Court.

50. As per the judgement of this Court in ***Mahipal Singh Rana*** (Supra), upon conviction of an advocate for contempt under the 1971 Act, they are automatically disqualified from practicing for a minimum period of 2 years under Section 24-A of the Advocates

Act, 1961 even in the absence of suspension or termination of their license to practice by the Bar Council of India. Now, we are again brought to the threshold of the same uncomfortable decision, whether the Court should, in its magnanimity, extend a final act of forgiveness to the Appellant. As noted above, even though the conduct of the Appellant in 2020 may have acted as the final straw, he has tendered unconditional apology on multiple occasions thereafter, most recently in his affidavit dated 12.08.2025. He has suffered the loss of his senior gown from 21.07.2020 to 31.12.2021 and has expressed remorse for his act. The relevant portion of the affidavit dated 12.08.2025 which is titled as an 'Affidavit of Regret and Apology' is quoted herein for reference:

> "*1. I state that I am extremely apologetic for all my utterances made on 05.06.2020 and I further express my remorse in respect of the incident cited by the Hon'ble High Court in its additional affidavit dated 04.08.2025.* ***I assure this Hon'ble Court of impeccable conduct on my part in the future.*** *I state that earlier as well, I had filed my reply in the contempt proceedings on 10.07.2020 before the Hon'ble High Court in which I had tendered an unconditional and unqualified apology without in any manner justifying my actions. I again tendered my apology orally before this Hon'ble Court on 06.08.2020 which has been recorded by this Hon'ble Court in its order dated 06.08.2020.*

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> *2. Appropos, (sic) the order dated 06.08.2020, I again tendered my unconditional apology on 11.08.2020 before the Hon'ble High Court.* ***I undertake that I shall not repeat any such statements again in future and I shall conduct myself with due deference to the dignity and decorum of the judicial institution at all times and that I shall work towards rebuilding confidence and mutual respect between the Bar and the Bench****. I humbly submit that the apology may kindly be accepted in the interest of justice and further be kind enough to accord quietus to the matter by setting aside the orders dated 06.10.2020 and 07.10.2020 and resolution dated 15.04.2024 of the Hon'ble High Court or any other appropriate order that this Hon'ble Court may deem fit."*

51. The Court's magnanimity is unparalleled; it is a testament to the measured patience of the Court that justice must be tempered with mercy. The relationship between the Bar and the Bench is like two sides of the same coin, forever complementing each other. Candor and honesty on either side must also be met with patience and dignity on the other. A friction-less relationship between the Bar and the Bench only furthers the purpose of justice and forwards the cause of those seeking justice. The Bench, however, must adopt a somewhat 'parental' temperament, it cannot lose sight of the fact that sometimes legal practice can be immensely high-stakes. When such legal practice is coupled with the Appellant's conjoint duty of being the President of the GHCAA, the immense emotional strain can lead to 'heat of the

moment' errors, especially so during COVID-19 which was an unprecedented period in our lives.

52. The Appellant's conduct, however contumacious, we are of the opinion that owing to his conviction for contempt, and in light of his solemn undertaking before this Court, he can be given one last opportunity for reform. In our opinion, he has already suffered the consequence of withdrawal of senior gown for long period of time, albeit in separate proceedings. He has shown remorse and undertaken before this Court to mend his ways and to that extent we are inclined to invoke our extraordinary powers under Article 142 of the Constitution of India to direct that the Appellant's conviction for contempt and sentence, if any, as directed by the High Court, shall both remain suspended, kept in abeyance indefinitely even after disposal of these proceedings by this judgment. The Appellant shall not suffer any consequential disqualification or disadvantage flowing from his conviction in these proceedings during such period of suspension. In the meanwhile, in line of the express undertaking of the Appellant in the affidavit of apology dated 12.08.2025 quoted above, his conduct shall remain 'impeccable'. In order to ensure that the

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Appellant's conduct remains above board and that he reflects upon his solemn undertaking before this Court so that they may not merely turn into empty words, the Full Court of the High Court shall keep a vigil over the Appellant's conduct in light of the said undertaking. The High Court shall periodically review, at an interval of every two years, the Appellant's conduct, and decide whether any further acts of contempt have been committed by the Appellant and if so, the High Court shall be at liberty to move this Court with an application in the disposed of appeal seeking to give immediate effect to the Appellant's conviction in these proceedings at which stage, this Court shall apply its mind to the subsequent incident keeping in view the said undertaking. Since we are granting the High Court the liberty to file such an application, we are also making it clear that this Court shall not become *functus officio* by disposal of this appeal and it shall reach its logical conclusion in the time to come.

53. We find it apposite to make it clear that this is not a case of 'wilful blindness', but rather an act of extraordinary grace, making one final attempt to ensure reform. We are not turning a

blind eye to the conduct of the Appellant. Neither are we inclined to interfere with the findings of the High Court which must be left on its own accord to decide how to uphold the majesty of the Court particularly in light of the statement of the Appellant which directly undermines the High Court's authority. We are inclined to put a *quietus* to the present proceedings and we are cognizant of the fallout consequences which have already befallen the Appellant, and which might follow the High Court's judgment.

54. At the same time, we cannot lose sight of the fact that this Court's hope for good conduct on the part of the Appellant in its 2016 judgment did not do much in the way of preventing the incident of 2020. In ideal circumstances, after being appropriately cautioned by this Court in 2016, the Appellant should have exercised restraint in his statements since his apology was accepted by this Court with a rider that his conduct would be better thereafter. As stated above, the instant judgment must, therefore, be construed as the final act of forgiveness extended by this Court and the Appellant must ensure that henceforth, his conduct remains above board.

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55. This is the last chance, after the last chance. The order of 2016 is quite conclusive and even thereafter, the High Court has convicted him for contempt in respect of the incident of 2020, but at the same time, we also believe that the Appellant has suffered enough due to this incident and his apology can be read with the overall circumstances. However, the promises made by the Appellant and the hope expressed by this Court in its 2016 judgment eventually fell to deaf ears and it is for this reason that we are inclined to pursue what may be a recourse to measured forgiveness or forgiveness with vigil. The suspension of his conviction as well as his sentence, therefore, subject to periodic review, is a chance for him to ensure that he truly abides by his undertaking before us.

Subsequent events

56. As discussed extensively above, the order dated 21.07.2020 of the Full Court withdrawing the Appellant's designation as a senior advocate came to be challenged before this Court directly in Writ Petition No. 734 of 2020, wherein this Court, while refusing to interfere with the same, by exercise of its power under Article 142 of the Constitution of India, restored the designation

for a period of two years subject to the Appellant maintaining 'immaculate conduct'.

57. During the pendency of the instant appeal, the High Court, by filing an additional affidavit dated 04.08.2025 brought to the notice of this Court the incident on 09.04.2024, pursuant to which the Full Court of the High Court took a decision in the meeting dated 15.04.2024 to withdraw the decision dated 18.01.2024 by which it had temporarily restored the designation of the Appellant as Senior Advocate for a period of one year. However, the said decision was resolved to be brought to the notice of this Court by means of an affidavit along with the video recording of the incident.

58. This decision of 2024 has not been given effect to, presumably awaiting the outcome of the instant appeal. In the meanwhile, on 01.07.2025, Appellant's senior designation has been continued for a further period of one year which is currently subsisting.

59. Although the subsequent incident of 2024 is not a question before this Court to decide in the present proceedings, it has been

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placed before us in light of this Court's decision in Writ Petition 734 of 2020 where the Appellant was put to 'immaculate behaviour' as a condition for restoration of his senior designation.

60. We have also gone through the video recording of the Court proceedings of the matter Special Civil Application (SCA) No. 5013/2024 in Supplementary Board - I of Court No. 5085 on 09.04.2024. In our perception, the conduct of the Appellant discernibly may fall short of decorum expected of a senior advocate. It is axiomatic that the conferment of senior status embodies the maxim *'honos habet onus – honor carries responsibility*'. A distinguished member of the Bar, by virtue of his experience, is expected to personify grace, temperance, and exemplary restraint. When addressing the Court, an advocate is not simply speaking to a presiding judge, but engaging with the very institution of justice. Thus, maintaining absolute propriety and respectful discourse is not a mere procedural formality, but a sacred duty required to uphold the dignity of the entire legal ecosystem.

61. Insofar the Appellant's statement '*Nothing else but choosing the Court, Forum Shopping at your end*' is concerned, on our

perusal of the video, it seems to be a statement directed at the petitioner party, and not the Court. It appears to be a statement which has been made generally in the course of arguments by the Appellant. The Full Court, however, has taken a view in its decision dated 15.04.2024 that the act of the Appellant was intended to browbeat the Court which undermined the dignity of the Court and cast aspersions on the integrity of the Court. In light of the judgment in the instant appeal we are passing today, where we have not interfered with the impugned judgment of the High Court but suspended his conviction and sentence, subject to periodic review, we request the High Court to take a fresh decision in respect of the incident of 2024 and decide independently as to whether the Appellant's designation as a senior advocate must be withdrawn, completely uninfluenced by the previous incidents of contempt by the Appellant and keeping in view the judgement of this Court in Writ Petition (Civil) No. 734 of 2020. Needless to say, this decision of withdrawing / retaining the senior gown can also be made a subject of the periodic review after every two years which we have directed above.

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62. Before we part, it is imperative to reflect upon the foundational relationship between the Bar and the Bench. They are inextricably linked, serving as the two indispensable wheels of the chariot of justice. To steer through the complex terrain of the law and achieve fair and equitable outcomes, these wheels must move in perfect tandem, bound by a shared devotion to uphold the rule of law. The Bar, persuasive in its role, acts as the relentless seeker of truth; it presents and argues the issues, ensuring that the voice of the litigant is fearlessly articulated. The Bench, completing this paradigm, does not merely stand as a decisive authority that delivers judgments. It is the ultimate custodian of the Constitution, tasked with interpreting the law, safeguarding fundamental rights, and dispensing impartial, timely justice with unwavering wisdom.

63. Because their functions are distinct yet so deeply interwoven, the actions of one inevitably dictate the efficacy of the other. A diligent, ethical Bar elevates jurisprudence and enables judicial precision, whereas indiscipline obstructs the Bench and stalls the chariot of justice. Reciprocally, a patient and engaged Judiciary empowers the Bar to advocate fearlessly.

Furthermore, it is a cardinal imperative that neither conducts itself in a manner that casts a shadow of disrepute upon the other; the dignity of the Bench and the honour of the Bar are mutually reflective, and conduct that diminishes the stature of one inevitably tarnishes the sanctity of both. If one pillar loses its footing, the other cannot stand tall. The tremor of an individual's fault resonates through the entire ecosystem, risking the equilibrium of the institution itself. However, as with co-members within a family, a fault committed by one does not warrant the other to resort to punitive destruction. Accountability is paramount, but it must always be balanced with the patience to guide, reform, and elevate.

64. The Court wields considerable authority, yet the true essence of judicial magnanimity lies in restraint. Measured reprimand and corrective guidance remain the wiser course over sheer penal consequence. The majesty of our legal system is preserved not through rigid retribution, but through mutual respect, shared responsibility, and institutional grace. It is strictly within this paradigm, guided by a profound desire to preserve harmony, strengthen our shared institution, and demonstrate the

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inherent magnanimity of the Court that we choose to afford the Appellant one final opportunity to correct his course.

CONCLUSION

65. In the interest of comprehension and easy understanding, we are summarizing our conclusion as follows:

(i) The reasons assigned in the impugned order by the High Court do not warrant any interference by this Court, yet, extending a final act of forgiveness, we are inclined to exercise our plenary powers under Article 142 of the Constitution of India to suspend / keep in abeyance the conviction as well as sentence of the Appellant as a consequence of this judgment, indefinitely.

(ii) In the meanwhile, no disqualification or disadvantage arising out of the Appellant's conviction under the 1971 Act shall attract, including but not limited to disqualification under Section 24-A of the Advocates Act, 1961.

(iii) The Full Court of the High Court shall undertake periodic review of the Appellant's conduct at an interval of every

two years in light of the undertaking of the Appellant quoted in paragraph 50 of this judgment. If the Appellant is found to have carried out any further act of similar nature, the High Court shall be at liberty to file an application in the instant disposed of appeal seeking to give immediate effect to the Appellant's conviction and sentence as directed by the High Court in the present proceedings.

(iv) Lastly, we request the High Court to take a fresh decision in respect of the incident of 2024 and the question of withdrawal of senior designation, in light of the present judgment, completely uninfluenced by the Appellant's conviction for contempt by the High Court in the impugned judgment. Needless to say, the decision of retaining / withdrawing the Appellant's senior gown can also be made a subject of the periodic review every two years which we have directed above.

66. We hope and expect that the Appellant's conduct remains above board and that he realizes that this final act of forgiveness

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is in consideration of his undertaking before this Court and he must therefore continue to abide by it in true sense and spirit.

67. Accordingly, the present appeal stands disposed-of in above terms. Pending application(s), if any, shall stand disposed-of.

.....**J.**
(J.K. MAHESHWARI)

.....**J.**
(ATUL S. CHANDURKAR)

NEW DELHI,
MAY 11TH 2026