



Reserved
A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD
CONTEMPT APPLICATION (CRIMINAL) No. - 3 of 2025

In Re

.....Applicant

Versus

Shri Hari Narayan Pandey Advocate

.....Opposite Party

Counsel for Applicant : Mr. Sudhir Mehrotra, Advocate
Counsel for Opposite Party : Mr. Rakesh Pathak, Advocate

Court No. - 44

HON'BLE J.J. MUNIR, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.
(Delivered by Hon'ble J.J. Munir, J.)

1. These are proceedings for criminal contempt commenced on a reference under Section 15 of the Contempt of Courts Act, 1971 (for short, 'the Act of 1971') made by Mr. Amit Mishra, the then Civil Judge (Sr. Div.), Basti, against the contemnor, Mr. Hari Narayan Pandey, Advocate, seeking the said contemnor to be punished in accordance with law. The reference as aforesaid was made on 29.01.2025.

2. On the basis of the reference papers, the Registry drew up an office note, which was laid before the Hon'ble the Chief Justice by the Registrar General *vide* his note dated 24.03.2025. The Hon'ble the Chief Justice directed the papers to be laid before the Hon'ble the Administrative Judge for the Sessions Division of Basti *vide* his order dated 24.03.2025. The papers were laid before the Hon'ble Mr. Justice Karunesh Singh Pawar, the then Administrative Judge, Basti and his Lordship passed the following order on 28.03.2025:

"Let the matter be placed before appropriate court having criminal contempt jurisdiction."

3. The matter then came up again before his Lordship, the Hon'ble The Chief Justice, with a proposal in terms of the order of the Administrative Judge, which the Hon'ble The Chief Justice approved *vide* his order dated 11.04.2025. This contempt matter was registered on 18.04.2025 and came up before the Division Bench on 23.04.2025. The Division Bench, finding a *prima facie* case made out, issued notice to the contemnor, returnable on 09.07.2025. On the date of return, Mr. Hari Narayan Pandey, the contemnor, filed an affidavit, which was taken on record. The contempt matter was adjourned to 30.07.2025 in order to enable the contemnor to appear in person. On 09.07.2025, the contemnor was represented by Mr. Rakesh Pathak, Advocate.

4. When the matter came up before the Division Bench again on 30.07.2025, the contemnor was present in person. He was represented before the Court by Mr. R.K. Ojha, learned Senior Advocate assisted by Mr. Rakesh Pathak, Advocate. Mr. Sudhir Mehrotra, Advocate appeared on behalf of the Court.

5. We must note here that at the earliest stage of proceedings, that is to say, on 30.07.2025, the first day, the contemnor appeared he tendered an unconditional apology, which was carried in his affidavit dated 08.08.2025. The Court, taking that apology into consideration, directed the contemnor to tender the same before the Judicial Officer, in whose presence the contempt had been committed, leading to the institution of the present proceedings. It was also recorded in the order of the day made by the Division Bench that the Judicial Officer was, at the relevant time, posted at Raebareli, after a routine transfer from Basti. The contemnor was, accordingly, permitted to tender his unconditional apology to the Judicial Officer at his current place of posting through the learned District Judge, Raebareli. Mr. Ojha, on 30.07.2025, assured their Lordships that necessary compliance would be made within a period of two weeks. Mr. Mehrotra was granted time to submit a report from the Judicial Officer

concerned within a further period of one month. This matter was directed to be listed on 15.09.2025.

6. On 15.09.2025, the Court and the contemnor were both represented before the Division Bench and the contemnor appeared in person again. Mr. Sudhir Mehrotra produced a report from the Judicial Officer, which was taken on record. The Court did not find the report sent by the Judicial Officer to be complete. Accordingly, this cause was adjourned to 22.09.2025 to enable Mr. Mehrotra to place the entire report on record. The personal presence of the contemnor was not exempted and he was directed to appear again. On the 22nd of September, 2025, this contempt reference came up before the Court again, when the report submitted by the learned Civil Judge was perused. The two affidavits put in by the contemnor, that is to say, the affidavit dated 08.07.2025 and a later affidavit dated 14.09.2025, were also perused. The parties agreed that the contempt application be heard and decided on the existing pleading and materials. Thus, the contemnor waived his right to the framing of a formal charge, as he was apparently aware with all the allegations that were the subject matter of the instant contempt proceedings. Accordingly, the present matter was heard by consent of parties and judgment reserved.

7. Heard Mr. Sudhir Mehrotra, learned Special Counsel for the High Court and Mr. Radha Kant Ojha, learned Senior Advocate assisted by Mr. Rakesh Pathak, Advocate appearing on behalf of the contemnor-opposite party.

8. If we were to look at the reference made by Mr. Amit Mishra, the then Civil Judge (Sr. Div.), Basti dated 29.01.2025, we are clear in our mind that the words that the contemnor spoke in Court while appearing in a cause robed from the Bar for one of the parties on 22.01.2025 in O.S. No. 679 of 2024, most certainly amount to contempt of court within the meaning of Section 2(c) of

the Act of 1971. These words certainly scandalize and lower the authority of the Court within the meaning of Section 2(c)(i) of the Act of 1971. We do not wish to reproduce the precise words that the contemnor had employed during the hearing of the temporary injunction application in O.S. No. 679 of 2024, where he was appearing for the plaintiff.

9. Suffice it to say that those words were entirely unrelated to the proceedings of the Court and were a calculated attempt to browbeat the Court into passing an order that was not the free dictate of the learned Judge's conscience. That way, it was interference with the due course of judicial proceedings within the meaning of Section 2(c)(ii) of the Act of 1971. The reason why we do not reproduce the obnoxious words employed by the contemnor is that by making them part of our order we would be echoing disrespect shown to the Court and the judiciary as a whole, a matter which the public at large nowadays have the tendency to receive almost with delight and are inclined readily to accept the truth of such insinuations, howsoever baseless. We must say here that any outlandish expression in contemporary times employed against the Courts and Judges has become a favourite pastime of the public, who, untrained as they are in the law, much more than the yesteryear generation, are prone by this behaviour of theirs to usher in a lawless society. It is keeping in mind those common perceptions and irresponsible public behaviour that we have eschewed the course of quoting the ignoble words spoken by the contemnor before the Court of the learned Civil Judge.

10. Now, turning to the fact if the contemnor indeed deserves to be held guilty of the contumacious words that he spoke in Court of Mr. Amit Mishra, the then Civil Judge (Sr. Div.), Basti, we take note of the fact that the contemnor expressed an early and unconditional apology in his affidavit dated 08.07.2025, where he has stated on oath:

"4. That the deponent is tendering unconditional apology in the present contempt application with respect to unfortunate incident taken place on 22.01.2025 before the court of Civil Judge (Senior Division), Basti. He is deeply regretted from the bottom of his heart about the aforesaid incident in which some unwilling disrespect has occurred.

5. That the deponent has no intention and object to dishonor the concerned court. Before this unfortunate incident from his practicing life no complaint whatsoever was made against him by the court. Even no incident of disrespect of the court has been taken place by the deponent.

6. That the conduct of the deponent was neither deliberate nor intended to show any disrespect to the authority of Hon'ble Court.

7. That the deponent assures this Hon'ble Court that he will be more careful in future and will refrain from any such act, expression, or conduct that may be perceived as contemptuous or disrespectful toward the court. He will be responsible, and respectful in all legal and judicial matters.

8. That the deponent tendering his unconditional, sincere and heartfelt apology to this Hon'ble Court for any act or omission on his part that may have caused disrespect, interference, or prejudice to the administration of justice. Further deeply regret his actions/words, which were not intended to disrespect or undermine the authority of Hon'ble Court or the judicial process.

9. That the deponent solemnly undertakes and assures this Hon'ble Court that he will not, in the future, engage in any act or conduct that could be construed as contemptuous or disrespectful to the judiciary or its proceedings. He holds the judiciary in the highest esteem and committed to upholding its dignity and authority."

11. In compliance with the orders of the Division Bench dated 30.07.2025, the contemnor appeared before Mr. Amit Mishra at Raebareli on 12.08.2025 and tendered an unconditional apology. The learned Civil Judge accepted the apology for himself, but he did say that disrespectful words had been spoken of the learned District Judge, Basti and also this Court, which he had no authority to condone. Nevertheless, so far as he was concerned, the apology was accepted. The relevant part of the learned Civil Judge's report dated 30.08.2025, reporting about the apology tendered by the contemnor before him reads:

"That pursuant to the directions of the Hon'ble Court in the above mentioned case, Shri Hari Narayan Pandey, Advocate, appeared before me on 12.08.2025 and tendered

his unconditional apology in writing through Respected District Judge Raebareli. Having considered his submission and the deep remorse expressed, I state with due respect that I accept his apology insofar as it concerns the remarks made against me in my capacity as Presiding Officer. However, it is also a fact that on the said occasion, Shri Hari Narayan Pandey had intentionally used disparaging and offensive words in the open Court in the presence of litigants and other advocates against the Hon'ble High Court and Respected District Judge Basti. I most respectfully submit that such language is wholly unbecoming of a member of the Bar and deserves to be condemned in the strongest terms. I do not consider myself competent to deal with that part of the misconduct, and therefore leave it to the wisdom of the Hon'ble Court to consider whether his apology in that regard merits acceptance. This is submitted most respectfully for the kind perusal and further orders of the Hon'ble High Court."

12. The contemnor appeared before us and we granted him opportunity to have his say. He did not justify his words in the least measure and said before us that he was utterly distressed on the day when the unfortunate incident had happened for his own reasons. We had the occasion to watch the contemnor's demeanour in Court as he addressed us. We are convinced that he is a well-groomed member of the Bar, aware of the niceties of the law and etiquette in Court. Therefore, the words that he spoke in Court and landed himself in contempt proceedings, do seem to be the result of something extraneous, that affected his conduct in Court, which is not this way when he generally appears. He has put in long years of practice and there is nothing to show that he has indulged in contumacious conduct in the past. He has tendered unconditional apology at the earliest, which the learned Civil Judge accepted, of course, for himself. The learned Civil Judge has also remarked that he found the apology to be the expression of remorse, which led him to accept it. We are convinced that it was an expression of genuine remorse and not merely a contrivance to escape the consequences of contempt.

13. At one stage of proceedings, when we thought of accepting the apology at the hearing of this application, Mr. Mehrotra, appearing for the High Court, had some words of caution for us as he said that commission of criminal contempt of Court has

become the order of the day. It was his caution that made us reserve opinion and we have carefully considered whatever Mr. Mehrotra had to say in the matter. We must remark that Mr. Mehrotra's words were certainly not misplaced and had lots of wisdom to them. Though, we do not take judicial notice because that would have consequences, but we do pay judicial attention, as it must be, to the fact that instances of criminal contempt galore on the social media in the name of freedom of expression, which cross the line. There are virtual abuses on media hurled at superior Courts, which are, by no means, within the fold of the defence, called fair comment or the informed criticism of a judgment. This is not the subject matter of the present contempt reference, but we do wish to remind the public to be cautious in future, because words that are most unambiguously contumacious, circulate on the social media, which, as and when, taken cognizance of in our contempt jurisdiction, may expose the contemnor to penalties of the law, which the Court may not hesitate to impose.

14. So far as the present contempt matter is concerned, we accept the contemnor's apology and discharge the notice issued to him.

15. This contempt matter is **consigned to record**.

(Pramod Kumar Srivastava,J.) (J.J. Munir,J.)

February 24, 2026

Anoop