REPORTABLE

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

SUO MOTU CONTEMPT PETITION (CRL.) NO. 1 OF 2019

IN RE: MR. MATHEWS NEDUMPARA

O R D E R

By a judgment dated 12th March, 2019 in *National Lawyers Campaign for Judicial Transparency and Reforms & Ors*. vs. *Union of India and Ors*. (Writ Petition (C) No. 191 of 2019), this Bench held that Shri Mathews Nedumpara, Advocate has committed contempt in the face of the Court. In the interest of justice, however, notice was issued to Shri Nedumpara as to the punishment to be imposed upon him for committing contempt in the face of the Court.

Shri Nedumpara appeared today before us both by himself and through Advocate Shri Subhash Jha.

In the morning session, Shri Nedumpara did his best to see that the matter was not heard by this Bench. He informed us that a Transfer Petition was filed asking the Chief Justice of India to transfer this case from this Bench to some other Bench. He also stated that he was going to file an application for recall of our order dated 12th March, 2019. He then cited latin maxims and said that justice must be seen to be done. He also referred to the famous Rex vs. Sussex Justices case and referred generally to the fact that relatives of Judges should not be seen practicing in the same Court. He later asked the Bench to grant a "pass over" of his matter inasmuch as his lawyer Shri Subhash Jha was on his way from Mumbai. The Bench agreed and placed the matter at 2.00 p.m.

At 2.00 p.m., Shri Jha came and addressed us, and pointed out Sections 14 (1) & (2) of the Contempt of Courts Act, 1971 together with Section 479 of the Criminal Procedure Code. He also made various other

submissions which the Court reminded him were not on the punishment aspect of this case. He continued, however, arguing as if he was arguing a review petition in the open Court. While Shri Jha was arguing, Shri Nedumpara stepped in again and went on a long ramble as to how he had not in fact impersonated Justice Vazifdar, which is one of the many incidents referred to in our judgment dated 12th March, 2019. At this stage, Shri Nedumpara then tendered an apology to this Court by way of an affidavit duly signed by him in the Court in our presence. The affidavit reads as follows:-

"AFFIDAVIT

I, Mathews J. Nedumpara, Advocate, aged 60 years, Indian Inhabitant, residing at Harbour Heights, "W" Wing, 12-F, 12th Floor, Sassoon Docks, Colaba, Mumbai-400 005, now in Delhi, do hereby swear and state as follows:-

1. A Bench of this Hon'ble Court comprising Hon'ble Shri Justice Rohinton F. Nariman and Hon'ble Shri Justice Vineet Saran, by judgment and order dated 12th March, 2019, was pleased to hold

me guilty for contempt in the face of the Court and list the case for hearing on the question of punishment.

2. I happened to mention the name of Shri Fali S. Nariman to buttress my proposition that even legendary Shri Fali Nariman is of the view that the seniority of a lawyer should be reckoned from the date of his enrolment and nothing else. However, I was misunderstood. I along with some office bearers of the National Lawyers' Campaign for Judicial Transparency and Reforms have instituted Writ Petition No.2199/2019 in the High Court of Delhi for a declaration that the Explanation to Rule 6 of the Bar Council of India Rules is void inasmuch as it explains that the word "Court" does not mean the entire Court, but the particular Court in which the relative of a lawyer is a Judge. I instituted the said petition only to raise the concern many lawyers share with me regarding the immediate relatives practising in the very same Court where their relative is a Judge. In retrospection I realize that it was an error on my part to have arrayed Shri Fali Nariman as a Respondent to the said petition. I regret the same; no words can sufficiently explain my contrition and regret. I also in retrospection

realize that I have erred even during the conduct of the above case before this Hon'ble Court and I probably would not have kept upto what is expected of me as a lawyer in the Bar for 35 years and crossed the age of 60. I feel sorry, express my contrition and tender my unconditional apology, while maintaining that some of the accusations levelled against me in the judgment dated 12th March, 2019 are absolutely wrong, which are, ex facie, black and white, and as incontrovertible as day and night.

3. The apology tendered by me hereinabove be accepted and I may be purged of the contempt.

Solemnly sworn at Delhi Sd/-
this 27th day of March, 2019 (Mathews J. Nedumpara)"

We have considered the affidavit so filed in the light of the incidents that have taken place in the Bombay High Court as well as in this Court.

Given the fact that Shri Nedumpara now undertakes to this Court that he will never again attempt to browbeat any Judge either of this Court or of the

Bombay High Court, we sentence Shri Nedumpara to three months imprisonment which is, however, suspended only if Shri Nedumpara continues in future to abide by the undertaking given to us today. In addition, Shri Nedumpara is barred from practicing as an Advocate before the Supreme Court of India for a period of one year from today. This disposes of the punishment aspect of the contempt that was committed in the face of the Court.

A letter dated 23.03.2019, received by the office of the Judges of this Bench on 25.03.2019, is a letter that is sent to the President of India, the Chief Justice of India and the Chief Justice of the High Court of Bombay by the President of the Bombay Bar Association and the President of the Bombay Incorporated law Society. The aforesaid letter states:

"We have come across, in the social media, copies of the following complaints purportedly made against Hon'ble Mr. Justice R.F. Nariman and Hon'ble Mr. Justice Vineet Saran, Judges, Supreme Court of India.

1. A complaint made with Your Excellency's Secretariat by one 'Indian Bar Association' dated 20th March, 2019 bearing Grievance No.PRSEC/E/2019/05351 ("the first complaint"), through one Advocate Mr. Vijay Kurle, against sitting Judges of the Hon'ble Supreme Court of India, the Hon'ble Mr. Justice R.F. Nariman and the Hon'ble Mr. Justice Vineet Saran, seeking permission to prosecute the Learned Judges and withdrawal of judicial work from them for having passed a Judgment dated 12th March, 2019 convicting Mr. Mathews Nedumpara for having committed contempt of the Hon'ble Supreme Court of India. It has been addressed to Your Lordship the Hon'ble Chief Justice of India and a copy thereof has been endorsed to Your Lordship the Hon'ble Chief Justice, Bombay High Court.

2. A complaint dated 19th March, 2019 made with Your Excellency's Secretariat bearing Grievance for Registration No.PRSEC/E/2019/05242 ("the second complaint") by one Mr. Rashid Khan Pathan said to be the National Secretary, Human Rights Security Council, seeking similar directions/permissions against the Hon'ble Mr. Justice R.F. Nariman and the Hon'ble Mr. Justice Vineet Saran for having passed another order in another matter. It has been addressed to Your Excellency and Your Lordship the Hon'ble Chief Justice of India.

Copies of these purported complaints which have been circulated in the social media are annexed as Annexure"1" and Annexure"2"."

The prayers made in the complaint filed by the Indian Bar Association are as follows:-

"(i) Taking action Action be taken under Section 218, 201, 219, 191, 192, 193, 466, 471, 474 read with 120(b) and 34 of Indian Penal Code against Justice Rohinton Fali Nariman and Justice Vineet Saran for passing order by willful disregard, disobedience and misinterpretation of law laid down by the Constitution Bench of Hon'ble Supreme Court with intention to terrorize advocates.

(ii) Immediate direction be passed for withdrawal of all works from Justice Rohinton Fali Nariman and Justice Vineet Saran as per 'In-House-Procedure'.

(iii) Directions be given to Justice Rohinton Fali Nariman and Justice Vineet Saran to resign forthwith by following the direction of Constitution Bench in K. Veeraswami vs. Union of India (UOI) and Ors. 1991 (3) SCC 655 as the incapacity, fraud on power and offences against administration of justice are ex-facie proved.

OR

(iv) Applicant be accorded sanction to prosecute Justice Rohinton Fali Nariman under Section 218, 201, 219, 191, 192, 193, 466, 471, 474 read with 120(b) and 34 of the Indian Penal Code.

v) Direction be given for Suo Motu action under Contempt of Courts Act as per law laid down in Re: C.S. Karnan's Case (2017) 7 SCC 1, Justice Markandey Katju's case & in Rabindra Nath Singh vs. Rajesh Ranjan (2010) 6 SCC 417 for willful disregard of law laid down by Hon'ble Supreme Court in :-

a) Vinay Chandra Mishra's case AIR 1995 SC 2348 (Full Bench)

b) Dr. L.P. Misra vs. State of U.P. (1998) 7 SCC 379 (Full Bench)

c) Leila David vs. State of Maharashtra & Ors. (2009) 10 SCC 337

d) Nidhi Kaim & Anr. vs. State of Madhya Pradesh & Ors. (2017) 4 SCC 1

e) Dwarikesh Sugar Industries Ltd. vs. Prem Heavy Engineering Works AIR 1997 SC 2477

f) Sukhdev Singh Sodhi vs. Chief Justice S. Teja Singh, 1954 SCR 454

g) Mohd. Zahir Khan vs. Vijai Singh & Ors AIR 1992 SC 642."

The prayers made in the complaint filed by the Human Rights Security Council are as follows:-

> **"i) Action be taken under Section 218, 201, 219, 191, 192, 193, 466, 471, 474 read with 120 (b) and 34 of Indian Penal Code against Justice Rohinton Fali Nariman and Justice Vineet Saran for passing order by willful disobedience of law laid down by the Hon'ble Supreme Court with intention to help the accused husband in serious case of practicing fraud upon the Court.**
>
> **ii) Immediate direction be passed for withdrawal of all works from Justice Rohinton Fali Nariman and Justice Vineet Saran as per `In-House-Procedure'.**
>
> **iii) Directions be given to Justice Rohinton Fali Nariman & Justice Vineet Saran to resign forthwith by following the direction of Constitution Bench in K. Veeraswami vs. Union of India (UOI) and Ors. 1991 (3) SCC 655 as the incapacity, fraud on power**

and offences against administration of justice are ex-facie proved.

OR

(iv) Applicant be given sanction to prosecute Justice Rohinton Fali Nariman under Section 218, 201, 219, 191, 192, 193, 466, 471, 474 read with 120(b) and 34 of Indian Penal Code.

(v) Direction be given for Suo Motu action under Contempt of Courts Act as per law laid down in Re: C.S. Karnan's Case (2017) 7 SCC 1, Justice Markandey Katju's Case and in Rabindranath Singh vs. Rajesh Ranjan (2010) 6 SCC 417 for willful disregard of law laid down by Hon'ble Supreme Court in :- P.C. Purushothama Reddiar vs. s. Perumal 1972 (1) SCC 9 (FULL BENCH), Sciemed Overseas Inc. vs. BOC India Limited and Ors (2016) 3 SCC 70, Surendra Gupta vs. Bhagwan Devi (Smt.) and Another, (1994) 4 SCC 657, Dwarikesh Sugar Industries Ltd. vs. Prem Heavy Engineering Works (P) Ltd. And Another AIR 1997 SC 2477, State of Goa vs. Jose Maria Albert Vales (2018) 11 SCC 659, Iqbal Singh Marwah & Anr. vs. Meenakshi Marwah & Anr. (2005) 4 SCC 370 (5-Judge Bench). In Re Suo Motu Proceedings against R. Karuppan (2001) 5 SCC 289 (Full Bench), Maria Margarida Sequeira Fernandes and Ors. Vs. Erasmo Jack de Sequeira (Dead) through L.Rs AIR 2012 SC 1727."

It can be seen on a comparison of the prayers in both the complaints that they are substantially similar showing that prima facie the aforesaid Shri Vijay Kurle and Shri Rashid Khan Pathan are acting in tandem. Also,

the complaints are dated 20th March, 2019 and 19th March, 2019. Para 3.14 of the said letter is significant and reads as follows:

"3.14 The Bombay Bar Association and the Bombay Incorporated Law Society have reason to believe that Mr. Nilesh Ojha and Mr. Mathews Nedumpara are in tandem with one another. In Criminal contempt Petition No.3 of 2017, which was initiated as a result of various acts of Mr. Nilesh Ojha and his associates, Mr. Mathews Nedumpara appeared for one of the contemnors. Similarly, in a Petition being Writ Petition (L) No.1180 of 2018 filed by Mr. Mathews Nedumpara against Hon'ble Mr. Justice S.J. Kathawalla alleging "judicial defamation" and seeking compensation, Mr. Nilesh Ojha appeared for Mr. Mathews Nedumpara. The timing at which these complaints have been made after the bench comprising of Hon'ble Mr. Justice R.F. Nariman and Hon'ble Mr. Justice Vineet Saran of the Supreme Court of India held Mr. Mathews Nedumpara guilty of contempt of Court and also the contents of the complaint of Indian Bar Association make it apparent that these complaints are made to browbeat the Court for having initiated contempt proceedings against Mr. Mathews Nedumpara. It is pertinent to note that the Standing/Managing Committees of all the three Bar Associations attached to the Bombay High Court being Bombay Bar Association, Advocates' Association of Western India, and the Bombay Incorporated Law Society passed Resolutions appreciating and welcoming the judgment dated 12th March, 2019 of the Hon'ble Supreme Court of India.

Copies of the said Resolutions are hereto annexed and marked as Annexures "13", "14" and "15"."

We annex the aforesaid letter dated 23.03.2019 to the present order.

Given the two complaints filed, it is clear that scandalous allegations have been made against the members of this Bench. We, therefore, issue notice of contempt to (1) Shri Vijay Kurle; (2) Shri Rashid Khan Pathan; (3) Shri Nilesh Ojha and (4) Shri Mathews Nedumpara to explain as to why they should not be punished for criminal contempt of the Supreme Court of India, returnable within two weeks from today.

Given the serious nature of the allegations levelled against this Bench, the Chief Justice of India to constitute an appropriate Bench to hear and decide this contempt case.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(VINEET SARAN)

New Delhi;
March 27, 2019.

BOMBAY BAR ASSOCIATION

Room No. 57, 3rd Floor, High Court,
Dr. M. Kane Marg, Boombay - 400032

THE BOMBAY INCORPORATED LAW SOCIETY

High Court New Building, North Wing,
Bombay - 400032

23rd March 2019

To,

(1) The Hon'ble President of India,
Rashtrapati Bhavan,
New Delhi - 110 004

(2) The Hon'ble Chief Justice of India,
Supreme Court of India,
Tilak Marg, New Delhi-110201

(3) The Hon'ble Chief Justice of High Court of Bombay,
Bombay High Court,
Fort, Mumbai – 400032

Re: Factual perspective to the frivolous Complaints made against Hon'ble Mr. Justice R. F. Nariman and Hon'ble Mr. Justice Vineet Saran, Hon'ble Judges of the Supreme Court of India and registered as

(i) Grievance No. PRSEC/E/2019/05351.

(ii) Grievance No. PRSEC/E/2019/05242.

Your Excellency and Your Lordships,

The Bombay Bar Association is the oldest Bar Association in the country, established in the year 1824 with recorded history of over 150 years. Bombay Bar Association has over these years relentlessly strived for protection of the independence of the judiciary and protection of rule of law. Bombay Bar Association has played a pivotal role in protest against Emergency, protecting personal liberties and attack on the judiciary in supersession of judges particularly during Emergency.

The Bombay Incorporated Law Society is an association of Solicitors in the city of Mumbai attached to the Hon'ble Bombay High Court with a history dating back to

1894. The Bombay Incorporated Law Society has made valuable contribution to the legal profession including supporting and protecting the independence of the judiciary over the years.

We have come across, in the social media, copies of following complaints purportedly made against Hon'ble Mr. Justice R.F. Nariman and Hon'ble Justice Vineet Saran, Judges, Supreme Court of India.

1. A complaint made with Your Excellency's Secretariat by one 'Indian Bar Association' dated 20th March 2019 bearing Grievance No. PRSEC/E/2019/05351 ("**the first complaint**"), through one Advocate Mr. Vijay Kurle, against sitting Judges of the Hon'ble Supreme Court of India, the Hon'ble Mr. Justice R.F. Nariman and the Hon'ble Mr. Justice Vineet Saran, seeking permission to prosecute the Learned Judges and withdrawal of judicial work from them for having passed a judgment dated 12th March 2019 convicting Mr. Mathews Nedumpara for having committed contempt of the Hon'ble Supreme Court of India. It has been addressed to Your Lordship the Hon'ble Chief Justice of India and a copy thereof has been endorsed to Your Lordship the Hon'ble Chief Justice, Bombay High Court.

2. A complaint dated 19th March 2019 made with Your Excellency's Secretariat bearing Grievance for Registration No. PRSEC/E/2019/05242 ("**the second complaint**") by one Mr. Rashid Khan Pathan said to be the National Secretary, Human Rights Security Council, seeking similar directions/permissions against the Hon'ble Mr. Justice R.F. Nariman and the Hon'ble Mr. Justice Vineet Saran for having passed another order in another matter. It has been addressed to Your Excellency and Your Lordship the Hon'ble Chief Justice of India.

   Copies of these purported complaints which have been circulated in the social media are annexed as **Annexure "1"** and **Annexure "2"**.

3. We would like to bring to your notice the following facts in this regard:

3.1. The complainant in the first complaint, Indian Bar Association, is neither a recognised Bar Association nor a Bar Association attached to the Hon'ble Bombay High Court. We have reasons to believe that the said body is a self-serving body floated by one Mr. Nilesh Ojha, Advocate and Mr. Vijay Kurle and is used as a platform to intimidate the judiciary as a whole and in particular to settle personal vendetta against Hon'ble Judges of the Bombay High Court and Supreme Court of India.

3.2. Mr. Nilesh Ojha, the purported National President of the complainant had appeared in a matter before the Bombay High Court wherein an order was passed against his client. Immediately after the order, Mr. Nilesh Ojha made various scurrilous and contemptuous allegations against the Hon'ble Judge who passed the order. The videos of persons whose interests were represented by Mr. Ojha and of Mr. Ojha making scandalous and scurrilous allegations against the Hon'ble Judge were also uploaded on the Internet through 'YouTube' website. Mr. Vijay Kurle was also one of the persons who gave interviews which were uploaded making scurrilous and scandalous statements against the Learned Judge. Mr. Rashid Khan, the complainant in the second complaint was also one of the parties who gave interview and made scurrilous and scandalous statements. The Bombay Bar Association and the Advocates' Association of Western India being the two recognised Bar Associations attached to the Hon'ble Bombay High Court have already filed a Criminal Contempt Petition in the Bombay High Court against various parties including Mr. Nilesh Ojha, Mr. Vijay Kurle and Mr. Rashid Khan after obtaining consent from the Advocate General of Maharashtra. The Contempt Petition was heard for admission. In the said Contempt Petition, the complainant in the second complaint Mr. Rashid Khan was also a Respondent. By an order dated 22nd February 2017, a Division Bench of the Hon'ble Bombay High Court, after considering the videos and the transcripts thereof, observed that the said materials were an attempt to scandalise the Court and calculated to interfere with the administration of justice. The Hon'ble Bombay High Court in the said

Contempt Petition by various orders also directed that the offending videos be removed from the internet at large and restrained dissemination of the same / similar videos. The Petition was admitted and notices were issued to various Respondents including Mr. Nilesh Ojha, Mr. Vijay Kurle and Mr. Rashid Khan as to why they should not be punished for contempt of Court.

3.3. The Division Bench further observed that Mr. Nilesh Ojha was threatening to prosecute the judges of the Hon'ble Bombay High Court and therefore the Contempt Petition is of great importance to the institution of the judiciary and concerns the independence of the judiciary. The matter was directed to be placed before the Hon'ble Chief Justice of the High Court for being placed before a larger Bench of 3 or more judges. A Contempt Petition is pending before a 5-Judge Bench of the Hon'ble Bombay High Court. Annexed hereto and marked as **Annexure "3"** and **"4"** are copies of the said Criminal Contempt Petition (No. 3 of 2017) filed by the two Bar Associations (without exhibits) and the orders passed therein. It is pertinent to note that in these contempt proceedings, Mr. Mathews Nedumpara, Advocate appeared to defend one of the contemnors.

3.4. In the Contempt Petition, the Petitioners have also set-out at length how in the past, Mr. Nilesh Ojha had initiated proceedings against sitting judges and also his conduct as recorded in various proceedings.

3.5. In early 2017, the Bombay Bar Association and Advocates' Association of Western India also passed resolutions deprecating these scurrilous attacks on judges and expressing full faith in the Learned Judge of the Bombay High Court against whom allegations were made. Copies of the Minutes of Meetings where the said resolution was passed by the Bombay Bar Association is hereto annexed and marked as **Annexure "5"**.

3.6. Mr. Nilesh Ojha, Mr. Vijay Kurle and their associates have a history of making frivolous allegations against Judges, if they do not get favourable orders in cases they appear in. They have made allegations against various sitting judges of Bombay High Court and "Indian Bar Association" is their front which is apparently established as a self-serving association to make frivolous allegations against judges and lawyers.

3.7. Not being satisfied with the contumacious acts, a vexatious representation / complaint was addressed by Indian Bar Association to Your Excellency in 2018 against Hon'ble Mr. Justice S.J. Kathawalla, a judge of the Bombay High Court seeking permission to prosecute the Learned Judge and making similar allegations and seeking similar directions. The Bombay Bar Association made a representation to Your Excellency by a letter dated 30th June 2018 exposing the 'modus operandi of these persons', their systematic attempt of making allegations against sitting judges and even Advocates appearing against them. In the complaint against Hon'ble Mr. Justice S.J. Kathawalla, the Indian Bar Association had made false allegations that the Learned Judge had a soft corner for certain Advocates and sought a CBI inquiry and audit of cases handled by the said Advocates. In the representation of the Bombay Bar Association, it was pointed out that each of the said lawyers had in the past appeared either against Mr. Nilesh Ojha or against Mr. Mathews Nedumpara and that they were being named only to malign them and to deter the said Advocates from appearing against them.

A copy of the representation of the Bombay Bar Association (without exhibits) is annexed as **Annexure "6"** hereto.

3.8. Mr. Nilesh Ojha had earlier filed a malicious complaint dated 3rd December 2015 with Your Excellency's Secretariat seeking resignation and criminal prosecution against Hon'ble Mr. Justice A.K. Menon, judge of Bombay High Court who had passed an order against Mr. Nilesh Ojha's client and issued criminal contempt notice against Mr. Nilesh Ojha for making scandalous

allegations against Advocates appearing against him. The complaint was rejected as it was without any verifiable fact. A copy of the complaint status and grievance lodged against Hon'ble Mr. Justice A.K. Menon is annexed hereto and marked as **Annexure "7"**.

A copy of the order dated 22nd January 2016 passed by Hon'ble Mr. Justice A.K. Menon against Mr. Nilesh Ojha is annexed hereto and marked as **Annexure "8"** hereto.

3.9. Mr. Nilesh Ojha through another client of his Mr. Gopal Shetye (who is also one of the contemnors in the Contempt Petition filed by Bombay Bar Association and Advocates' Association of Western India) had got filed a complaint in the State Bar Council against various Advocates who appeared against him (Mr. Ojha) in Bombay High Court Suit No. 471 of 2016, the proceedings in which led to the initiation of the Criminal Contempt proceedings as mentioned hereinabove.

3.10. Similarly, Mr. Gopal Shetye, with Mr. Nilesh Ojha appearing for him, had earlier attempted to prosecute another judge of the Hon'ble Bombay High Court, being Hon'ble Mr. Justice V.M. Kanade (now retired) and had filed a criminal complaint seeking prosecution along with compensation for defamation of Rs. 500 Crores against the Judge for having passed a judicial order against Mr. Shetye. The Sessions Court dismissed Mr. Gopal Shetye's application as not maintainable. A writ petition seeking compensation of Rs. 200 crores against the Hon'ble Judge for having passed judicial orders was also filed in the Bombay High Court, and rejected by an Order dated 5th May 2017.

Hereto annexed and marked as **Annexure "9"** is a copy of the Order dated 1st February 2017 passed by the Sessions Court and **Annexure "10"** is a copy of the Bombay High Court Order dated 5th May 2017.

3.11. Mr. Nilesh Ojha in Suit No. 471 of 2016 initiated proceedings seeking prosecution of distinguished Senior Advocates, Mr. Aspi Chinoy and Ms. Rajani Iyer and prayed that they be stripped of their senior designations. The said applications were rejected and contempt proceedings were initiated against Mr. Nilesh Ojha which are referred to hereinabove.

3.12. In the aforesaid Criminal Contempt Petition No. 3 of 2017 initiated by Bombay Bar Association and Advocates' Association of Western India against Mr. Nilesh Ojha & Ors., Mr. Nilesh Ojha filed applications seeking prosecution against the office bearers of Bombay Bar Association and Advocates' Association of Western India who had affirmed the Criminal Contempt Petition.

3.13. The Indian Bar Association also filed an application before Your Excellency dated 23rd January 2019 numbered as PRSEC/E/2019/01530 against sitting judges of the Bombay High Court being Hon'ble Mr. Justice K.K. Tated, Hon'ble Mr. Justice B.P. Colabawala and Hon'ble Mr. Justice N.J. Jamdar for having passed certain judicial orders. The said complaint was signed by Mr. Vijay Kurle. The Bombay Bar Association responded to the said complaint pursuant to a Resolution of the Standing Committee and forwarded the same to Your Excellency's Secretariat, bringing to notice the correct factual perspective.

A copy of the said complaint and the representation dated 29th January 2019 made by the Bombay Bar Association are annexed at **Annexures "11" and "12"** hereto.

3.14. The Bombay Bar Association and the Bombay Incorporated Law Society have reason to believe that Mr. Nilesh Ojha and Mr. Mathews Nedumpara are in tandem with one another. In Criminal Contempt Petition No. 3 of 2017, which was initiated as a result of various acts of Mr. Nilesh Ojha and his associates, Mr. Mathews Nedumpara appeared for one of the contemnors. Similarly, in a

Petition being Writ Petition (L) No. 1180 of 2018 filed by Mr. Mathews Nedumpara against Hon'ble Mr. Justice S.J. Kathawalla alleging "judicial defamation" and seeking compensation, Mr. Nilesh Ojha appeared for Mr. Mathews Nedumpara. The timing at which these complaints have been made after the bench comprising of Hon'ble Justice R.F. Nariman and Hon'ble Mr. Justice Vineet Saran of the Supreme Court of India held Mr. Mathews Nedumpara guilty of contempt of Court and also the contents of the complaint of Indian Bar Association make it apparent that these complaints are made to browbeat the Court for having initiated contempt proceedings against Mr. Mathews Nedumpara. It is pertinent to note that the Standing/Managing Committees of all the three Bar Associations attached to the Bombay High Court being Bombay Bar Association, Advocates' Association of Western India, and the Bombay Incorporated Law Society passed Resolutions appreciating and welcoming the judgment dated 12th March 2019 of the Hon'ble Supreme Court of India.

Copies of the said Resolutions are hereto annexed and marked as **Annexures "13", "14" and "15"**.

4. The allegations made in the complaints against the Learned Judges of the Supreme Court of India under reference are false, vexatious and designed to intimidate and browbeat the judges. The allegations are in respect of their acts in discharging judicial duties. The remedy of a person aggrieved by such a judicial order is to take legal recourse by filing an appeal or other appropriate proceeding and a judge cannot be asked to be prosecuted for passing orders in judicial proceedings, which a person perceives as wrong or contrary to law. This is also clearly impermissible in view of the provisions of the Judges (Protection) Act, 1985 passed by Parliament. In fact, the Indian Bar Association has gone to the extent of saying that the order was passed by the bench of the Hon'ble Supreme Court for ulterior reason of protecting a High Court Judge. The said allegation is false, scandalous and scurrilous.

5. It is thus clear that the complaints under reference are yet another attempt to scandalise, terrorise and intimidate judges of the Supreme Court of India. The Bombay Bar Association and the Bombay Incorporated Law Society have reposed their full faith and confidence in the Hon'ble Judges against whom the complaints have been made from time to time.

6. The attempts like the present complaints are malicious and frivolous attempts by disgruntled lawyers and parties to terrorise and intimidate judges and sent them a signal that they will indulge in vilification campaign against the judges. These attempts ought not to be countenanced. They are a serious threat to the institution of judiciary and its independence which is the backbone of any democracy.

7. We request that the complaints be rejected at the earliest and appropriate actions be taken. We would like to draw your attention to another serious issue that even the pendency of the application in the Secretariat of Your Excellency has been abused and in the past, prosecutions have been initiated / threatened against judges of the Hon'ble Bombay High Court on the false and baseless pretext that a lack of response tantamount to Your Excellency's "deemed consent" for prosecution of the judges. In fact, the complaints under reference filed by Indian Bar Association seek to contend that there was an alleged "deemed consent" by Your Excellency for prosecution of a sitting judge of the Bombay High Court. We, therefore, request Your Excellency to reject the aforesaid complaint so as to thwart this scurrilous and scandalous attempt on the independence of the judiciary and prevent interference with the administration of justice.

Yours truly

Dr. Milind Sathe,
President, Bombay Bar Association

Mr. Kaiwan Kalyaniwalla,
President, Bombay Incorporated
Law Society

ITEM NO.10 COURT NO.5 SECTION XVII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Suo Motu Contempt Petition (Crl.) No(s). 1/2019

IN RE : MATHEWS NEDUMPARA

Date : 27-03-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) By Courts Motion

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The Court came to the following conclusion, in terms of the signed reportable order:

"The punishment aspect of the contempt that was committed in the face of the Court stands disposed of."

Given the two complaints filed, it is clear that scandalous allegations have been made against the members of this Bench. We, therefore, issue notice of contempt to (1) Shri Vijay Kurle; (2) Shri Rashid Khan Pathan; (3) Shri Nilesh Ojha and (4) Shri Mathews Nedumpara to explain as to why they should not be

punished for criminal contempt of the Supreme Court of India, returnable within two weeks from today.

Given the serious nature of the allegations levelled against this Bench, the Chief Justice of India to constitute an appropriate Bench to hear and decide this contempt case.

(R. NATARAJAN) **(RENU DIWAN)**

COURT MASTER (SH) **ASSISTANT REGISTRAR**

(Signed reportable order is placed on the file)