



\$~SB-1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 22th AUGUST, 2025

IN THE MATTER OF:

+ **CONT.CAS.(CRL) 3/2015, CRL.M.A. 50201/2018, CRL.M.A. 14374/2025**

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Varun Goswami, Advocate
(*Amicus Curiae*)

versus

M/S OBSESSION NAAZ & ORS.

.....Respondents

Through: Mr. Sujeet Kumar Mishra, Mr. Pankaj Balwan, Mr. Saarthak Bansal, Advs. for Defendants No. 2 to 5, 7 to 10, 17 to 20, 23, 25 & 28

Mr. Bahar U. Barqi Advocate for R-10, 11, 12, 13, 21 & 22.

Mr. Sagar Saxena, Mr. Abhishek Singh, Mr. Karan Chaudhary & Mr. Krisnandu Halder, Advs. for R-1, 9, 24, 27

Md. Waqar, Advocate for R-26
Ms. Sushila Narang, Advocate for R-29 & R-30

Mr. Amit Ranjan, Adv. for Samsung Electronics & Samsung India

Mr. Soumya Chakraborty Senior Advocate with Ms. Nandini Sen Advocate for Kolkata Police



CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

JUDGMENT

SUBRAMONIUM PRASAD, J.

1. The present proceedings emanates from a mentioning made by Mr. Shravan Sahary, Advocate, who was one of the 11 Advocate Commissioners appointed by this Court *vide* Order dated 23.12.2014 passed by this Court in CS(OS) No.4024/2014. This Court was informed that the 11 Advocate Commissioners who had gone to Kolkata to perform the task entrusted to them by this Court by the said Order were attacked by an unruly mob which gathered there to prevent the Advocate Commissioners from performing the mandate of this Court.
2. Mr. Shravan Sahary, Advocate, apprised the Court that he was severely injured around his right eye, left cheek and two of his front teeth were broken in the incident which took place during the execution of the commission as directed by this Court. He also made a mentioning about the fact that the other Advocate Commissioners accompanying him were also been beaten up and they had to flee.
3. The learned Single Judge of this Court after perusing the photographs, was of the opinion that the attack on the 11 Advocate Commissioners, *prima facie*, appeared to be pre-meditated and constituted as a brazen interference in the administration of justice. Accordingly, notices were issued to the 16 Defendants in the suit being CS(OS) No.4024/2014. Notices were also



issued to the Deputy Commissioner of Police (Enforcement), Watgunj Police Station, Kolkata (*hereinafter referred to as 'DCP Kolkata'*) calling for an explanation with respect to the circumstances under which the incident took place.

4. The Contemnors were also directed to file individual affidavits as to what had transpired on 13.01.2015, when the Advocate Commissioners went to carry out the directions of this Court. The matter was therefore placed before the Division Bench for further proceedings in the criminal contempt.

5. Facts of the case reveal that CS(OS) No.4024/2014 was filed by Plaintiff/Samsung Electronics Company Limited (*hereinafter referred to as 'the Plaintiff'*) stating that they have established themselves as global business leaders in many business areas including electronics having more than 285 overseas operations in 67 countries. It is stated that the Plaintiff's operations in India include its telecommunication, consumer electronics and home appliances and they manufacture products including smart phones, GSM and CDMA mobile phones, TVs, DVD Players, Home Theatre Systems, Digital Cameras, Personal Computers, Laptops, Ovens, Refrigerators and Washing Machines etc.

6. It has been stated that the trademark 'Samsung' is registered in various countries of the world including India and the Plaintiffs have an established name in the field of electronics. It is the case of the Plaintiff/Samsung that on and around 05.11.2014, the representatives of the Plaintiff came to know that several vendors in Khidderpore area of Kolkata were selling counterfeit Samsung products including hand held phones, mobile phones, tablets and accessories bearing their trademark Samsung. The plaint identified five main markets which have several shops selling



counterfeit articles. 15 vendors were identified and impleaded as Defendants No.1 to 15.

7. This Court *vide* Order dated 23.12.2014 in CS (OS) 4024/2014, restrained Defendants No.1 to 15, their servants, agents and all others acting for and on their behalf from selling, distributing, importing, exporting, advertising, directly or indirectly dealing in any counterfeit goods including mobile phones or accessories using the mark Samsung or the oval slanted logo of Samsung or any other mark similar to the Plaintiff's trademark.

8. This Court also appointed 11 Advocate Commissioners to visit the specific places mentioned against their names, which read as under:-

| <i>S. No.</i> | <i>Name of the Local Commissioner</i> | <i>Premises to be visited</i> |
|---------------|--|--|
| 1. | <i>Mr. Shravan Sahary, Advocate</i> | <i>M/s Obsession Naaz, Fancy market, Shop No.38 (ground floor), 25, Karl Marx Sarani, Khidderpore, Kolkata-700023.</i> |
| 2. | <i>Mr. Ankur Mittal, Advocate</i> | <i>(a) M/s Renu Benu Stores, Fancy market, Shop No.29, 25, Karl Marx Sarani, Khidderpore, Kolkata- 700023 and, (b) M/s ALTS Trading, Fancy market, Shop No.30/33, 25, Karl Marx Sarani, Khidderpore, Kolkata - 700023 also at 35/A/H/4, Kabitirtha Sarani, Watgunge Street, Kolkata -700023.</i> |
| 3. | <i>Mr. Siddharth Khatana, Advocate</i> | <i>M/s Imaxx Mobile Zone, Fancy market, Shop No.46 (ground floor), 25, Karl Marx Sarani, Khidderpore, Kolkata -700023 and, M/s Taha Telecom, Fancy market, Shop No.45, 25, Karl Marx Sarani, Khidderpore, Kolkata -700023.</i> |
| 4. | <i>Mr. Purshotam Mishra, Advocate</i> | <i>M/s Elite Electronics, partners - Mr. Intikhab, Fancy market, Shop No.4 (ground floor), 2, Dent Mission Road, Khidderpore,</i> |



| | | |
|-----|-----------------------------|---|
| | | Kolkata -700023 and, M/s Big Brother, Fancy Plaza, Shop No.5 (second floor), 2, Dent Mission Road, Khidderpore, Kolkata - 700023. |
| 5. | Mr.Gurmehar Singh, Advocate | M/s Danish'z Telecom DB, Fancy Plaza, Shop No.6 (ground floor), 2, Dent Mission Road, Khidderpore, Kolkata -700023 and, M/s Naaz Telecom, Fancy Plaza, Shop No.8 (ground floor), 2, Dent Mission Road, Khidderpore, Kolkata -700023. |
| 6. | Mr.Amit Chhabra, Advocate | M/s Alfa Int., Green Plaza market, Shop No.10, 10A, 14, 16, 7 and 45, 25, Karl Marx Sarani, Khidderpore, Kolkata - 700023 Also at M.K.Plaza, Shop No.G-7 and G-8 83, Manshatala Lane, Khidderpore, Kolkata - 700023. |
| 7. | Ms.Nishu Singla, Advocate | M/s Flashing Tech, M.K.Plaza, 83A, Manshatala Lane (first floor), shop No.F4, Khidderpore, Kolkata – 700023 |
| 8. | Ms.Raspreet Kaur, Advocate | M/s Flashing Tech, Green Plaza Market, Second Floor, Shop No.S4, S5 and 20-F Karl Marx Sarani, Khidderpore, Kolkata -700023. |
| 9. | Mr.Kunal Prakash, Advocate | M/s. Super Traders, M.K.Plaza (first floor), 83, Manshatala Lane, Shop No.F2, Khidderpore, Kolkata -70002. |
| 10. | Ms.Medha Sachdev, Advocate | M/s Amir Telecom, I-Plaza, Shop No.15 (first floor), 82B, Manshatala Lane, Khidderpore, Kolkata -70002. |
| 11. | Mr.Sandeep Sharma, Advocate | M/s Master Trading Corporation, I-Plaza Market, Shop No.32 (first floor), 82B, Manshatala Lane, Khidderpore, Kolkata -70002 Also at I-Plaza Market, Shop No.17 (ground |



| | | |
|--|--|--|
| | | floor), 82B, Manshatala Lane, Khidderpore, Kolkata -70002 and, M/s Impress, I-Plaza Market, Shop No.3 (ground floor), 82B, Manshatala Lane, Khidderpore, Kolkata -70002. |
|--|--|--|

9. The Advocate Commissioners were directed to visit the places mentioned against their names and prepare inventory of the counterfeit products being sold under the trademark 'SAMSUNG' and the oval slanted logo or any other mark deceptively similar, to the Plaintiff's trademark. The Advocate Commissioners were directed to seize all such articles, seal them and release them on '*superdari*' with the directions to produce them before the Court as and when required. The Advocate Commissioners were also entitled to seek assistance of the authorized representative of the Plaintiff and the concerned Police authorities at the time of inspection.

10. Material on record indicates that Mr. Shravan Sahary, Advocate, one of the Advocate Commissioners who had made mentioning before this Court, pursuant to his appointment, had sent an e-mail to the Advocates for the Plaintiff on 26.12.2014 informing them that the commission would be executed in Kolkata on 13.01.2015. Thereafter, Mr. Shravan Sahary, Advocate, and Mr Ankur Mittal, Advocate, a fellow Advocate Commissioner, sent a formal request to the DCP, Enforcement *vide* letters dated 10.01.2015 requesting Police support and assistance in carrying out the commission. On the same date, Mr. Birendra Singh, Senior Partner and Mr. Prabhu Tandon, Partner at M/s Kochhar & Co., who were the Advocates for the Plaintiff, met Mr. Rabindra Nath Sarkar, DCP, Kolkata Police informing him about the shops in Fancy Market complex selling the



counterfeit articles. The DCP Kolkata was informed that the Advocate Commissioners, would be reaching Kolkata on 12.01.2015, and would be conducting the raid on the subsequent day.

11. Thereafter, a formal meeting took place with the DCP on 13.01.2015 at about 12:00 noon wherein the Advocate Commissioners and the learned Counsel for the Plaintiff apprised the DCP and requested a support team to carry out the commission. The DCP assigned 21 Policemen to assist the Advocate Commissioners whereafter they headed to the shops of the Defendants located at Khidderpore Market area in separate cabs.

12. The Advocate Commissioners reached the market by 1:20 PM and assembled at a common meeting point where they sub-divided themselves into 10 smaller groups comprising of the Advocate Commissioners & Policemen to visit the premises where they were supposed to conduct raid.

13. Mr. Shravan Sahary, Advocate, was directed to carry out the commission at M/s Obsession Naaz, Fancy Market, Shop No. 38 (ground floor) and was assisted by a Kolkata Police Constable, namely Mr Pandey and Mr. Sumant Narang, who was the Counsel for the Plaintiff. Upon reaching the location they entered from the main road and made enquiries about the location of the shop. It has been stated by the learned Advocate Commissioner that while locating Shop No.38, he observed that there were various packages containing phones of multiple brands. However, he could not spot any recognizable brand like Samsung, Nokia, Apple etc. He also states that his local informer, who knew the area well and was assisting him to locate the exact location of the shop informed him that the news of arrival of the commission has already reach the locals and they had removed counterfeit phones from their shops.



14. While moving from Shop No.41, towards Shop No.38, he entered the building from the side entrance. As soon as he entered the said building, he noticed that shopkeepers around him had started pulling their shutters, switching-off their lights and closing their shops. As soon as he reached Shop No.38, people present inside the shop pulled down the shutter and turned off the lights. Thereafter, a huge crowd appeared and surrounded the Advocate Commissioner and his team. It is stated that the crowd became unruly and pulled the Constable assisting the Advocate Commissioner. The Plaintiff's Counsel assisting the Advocate Commissioner was also manhandled and the Advocate Commissioner tried to intervene.

15. Upon seeing the situation deteriorate, he along with his team reached the building exit and tried to exit the building. However, the crowd became aggressive and started manhandling him and assaulted them physically.

16. Mr. Sahary, Advocate, was grabbed by his neck and people around him dragged him for about 5 ft. into a building whereafter he was brutally assaulted and he received a blow to his nose. Because of the attack he temporarily lost his consciousness and two of his front upper teeth (Maxillary Central Incisors) were knocked out. After regaining consciousness he realised that he is still being assaulted with lathis and rods and struggled to free himself. He managed to free himself and ran out of the building whereafter the crowd chased him. He managed to escape the area in a taxi and reached the hotel where other Advocate Commissioners were staying.

17. Mr Ankur Mittal, Advocate, who was appointed as a Advocate Commissioner and was supposed to carry out the commission at M/s Renu Benu Stores, Fancy market, Shop No.29 and, M/s ALTS Trading, Fancy



market, Shop No.30/33, was brutally assaulted by a mob during the execution of the commission and received multiple injuries on his person.

18. Mr. Siddharth Khatana was also one of the 11 Advocate Commissioners who had been appointed to visit M/s Imaxx Mobile Zone and M/s Taha Telecom. He was assisted by a local lawyer and a Police Personnel and was making his way to Shop No. 46, which is the location of M/s Imaxx Mobile Zone. As soon as he entered the premises, he noticed that shop owners and people standing nearby getting agitated. They started confronting the raiding team.

19. Mr. Khatana, Advocate, noticed that there were about two counterfeit mobile phones which were packaged but had no price mentioned. However, before he could proceed any further to inspect the said phones, a mob had gathered around him and started assaulting the Advocate Commissioner and other members of his raiding team. The Advocate Commissioner and his team were dragged out of the shop and were beaten whereafter the mob snatched the counterfeit phones from his hands. The Advocate Commissioner managed to escape from the shop. It is stated that while escaping, he noticed that a few individuals in the mob carrying rods and hockey sticks, had *gheraoed* Mr. Ankur Mittal, Advocate, and were brutally beating him. Mr. Khatana, somehow managed to escape and reached the hotel.

20. Mr. Amit Chhabra, Advocate, was appointed as the Advocate Commissioner and was supposed to carry out the commission at M/s Alfa Int. Green Plaza Market in the same locality. He along with certain local Advocates arranged by the Plaintiff, reached the market at Khidderpore, Kolkata. He was assisted by Mr. Anirban, Advocate (local lawyer) and two



Constables from the Enforcement Department. He reached the site of inspection and made enquiries from the shopkeepers. He made them privy to the order of this Court appointing him as the Advocate Commissioner to inspect their shop. However, the shopkeeper did not disclose his name to the Advocate Commissioner.

21. Around that time, Mr. Chhabra, noticed that the neighbouring shopkeepers had gathered around the premises and were creating commotion and obstructing the commission. Furthermore, he noticed that the shutters of the premises were being pulled down and his team was forcibly pulled out of the premises. He could not ascertain as to where they had been taken and in a state of commotion, he tried to exit the premises. He stated that the shopkeepers and other individuals were armed with rods, hockey sticks and dandas etc. and grabbed him by his collar and manhandled him. They assaulted him and dragged him out by pulling his hair. Mr. Chhabra, Advocate, managed somehow to escape their hold, whereafter he took a taxi back to the hotel.

22. Mr. Sandeep Sharma, Advocate, was appointed as the Advocate Commissioner and was supposed to carry out the commission at M/s Master Trading Corporation and M/s Impress. He was assisted by a local lawyer and two Policemen and while trying to find Shop No.32, i.e., the address of M/s Master Trading Corporation, he made enquiries from some local people with respect to the location of the shop. While making his way to the said address, he met Mr. Gurmehr Singh, Advocate and Mr. Purshotam Mishra, Advocate, who were fellow Advocate Commissioners. They informed him that a mob had gathered around the said premises and was creating commotion and obstructing the commission.



23. It has been stated that shopkeepers had started pulling down their shutters and were disrupting execution of the commission by resorting to violent means. In view of the deteriorating situation, Mr. Sharma, Advocate, realised that it was not possible to execute the commission and he decided not to proceed further. He managed to run away along with two local lawyers who guided him to the hotel.

24. Ms. Nishu Singla, Advocate, was appointed as the Advocate Commissioner and was supposed to carry out the commission at M/s Flashing Tech and was accompanied by Ms. Pritha Mukherjee, i.e. the authorized representative of the Plaintiff. They were assisted by five Police officials of the Enforcement Department. After they reached the location of M/s Flashing Tech, they proceeded to enter the shop in order to carry out the commission. It is at this point, two persons standing inside the shop were informed about the order of this Court appointing her as one of the Advocate Commissioners and Ms. Singla made enquiries about the whereabouts of the owner of the shop. She noticed four packaged cartons lying inside the shop and asked the persons to open the cartons to check their contents. However, they refused to do so and threatened her with dire consequences. At the same time, she heard loud voices coming from outside and saw a mob coming up from the stairs screaming and shouting. It is stated that few of those individuals were carrying rods and hockey sticks. Thereafter, the Advocate Commissioner along with her team came out of the plaza and made her way back to the hotel.

25. Mr. Kunal Prakash, Advocate, was appointed as the Advocate Commissioner and was supposed to carry out the commission at M/s Super Traders. After reaching the market, he was assisted by the representative of



the Plaintiff, namely, Abhishek Birthary and one Police Inspector. He reached the shop whereafter he met one person who introduced himself as Mohd. Asif @ Pintu who claimed to be the occupant of the shop. The Advocate Commissioner made enquiries regarding the whereabouts of the shop owner. However, instead of assisting them, the said Mohd Asif made a telephone call whereafter a large crowd of local traders armed with baseball sticks, cricket bats and iron rods etc. gathered around the shop, closed the shutters and main entrance of the building and created an atmosphere of riot and chaos. The crowd started beating the police personnel assisting him and threatened to kill the persons who had come to raid their shops. The situation deteriorated to a point that the execution of the commission became impossible and as a result, the Advocate Commissioner had no other option but to terminate the execution and escape. Thereafter, he went back to his hotel.

26. Ms. Raspreet Kaur, Advocate, was appointed as the Advocate Commissioner to carry out the commission at M/s Flashing Tech. After reaching the main market, she met with Ms. Avneet Nehal, the authorized representative of the Plaintiff. They were assigned five Police personnel and were making their way to Shop No.11, i.e., M/s Flashing Tech. Upon reaching the premises, she found that most of the shops in the area had been shut down and the remaining shops were also in the midst of being shut down. She made her way to the second floor to reach the designated shop. However, she found that the passage of the premises was blocked and unapproachable. Thereafter, she took an alternative route and tried to make her way to the shop using a separate outer route on the left side of the building. While making her way back to the ground floor, she heard noises



and people shouting '*maro maro*'. Thereafter, she saw that a large mob had gathered around the main entrance of the building and the main entrance was closed. Some individuals in the mob were carrying rods and hockey sticks. The Advocate Commissioner and her team were questioned by the shopkeepers, who made enquiries about their whereabouts and why they had come to the market. It is stated that the Advocate Commissioner was told by the shopkeepers that the owners of the shop had prior knowledge about the execution of the commission and they had deliberately closed their shops. Thereafter, the Advocate Commissioner and her team with the assistance of the Police officials managed to exit the plaza.

27. While coming out of the plaza, the Advocate Commissioner saw a crowd of about 100 people gathered on the street and holding two Police Officials by their collars. A fellow Advocate Commissioner, Mr. Sahary, Advocate, was bleeding profusely from his face. The mob had started attacking the taxi and bus that had been used by the Advocate Commissioners and their representatives. It has been stated that the situation took a violent turn and thereafter a Police Riot Control Van had to be called to control the crowd.

28. The unfolding of events made it impossible to execute the commission and the Advocate Commissioner returned to her hotel. After all the Advocate Commissioners, the local Advocates and the learned Counsel for the Plaintiff reached the hotel, Mr. Shravan Sahary, Advocate, Mr. Ankur Mittal, Advocate, and Mr. Anirban, Advocate, were taken to the emergency department of Woodlands Multispeciality Hospital by Mr. Prabhu Tandon and Sumant (authorized representatives of the Plaintiff).

29. Mr. Sahary, Advocate, underwent a neck and chest X-ray. However,



since there was no dental doctor available at the hospital, he could not get any assistance for his broken teeth. After collecting the reports and medicine, the injured Advocate Commissioners returned to the hotel and due to the shock and trauma of the injury, the Advocate Commissioners could not go to the local Police Station and returned to Delhi on the night of the incident, i.e., 13.01.2015.

30. Mr. P. S. Parya, Officer-in-Charge, EOW, SI D. K. Hazra, ASI R.P. Gupta of Vigilance Section and Constable Ashis Dhar of EOW Kolkata Police who were assisting the Advocate Commissioner were also severely injured. The injured Police personnel were taken to Medical College Hospital and Kolkata Police Hospital for treatment.

31. Material on record indicates that after the incident on 13.01.2015, a GD Entry bearing No. 1006 was made by the Watgunge Police Station on the basis of complaint of Inspector Arup Kumar Sardar, whereafter a FIR No.13/2015 dated 13.01.2015 was registered under Section 147, 148, 149, 353, 333, 379 & 34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) against the owner of M/s Flashing Tech, M/s Super Traders, M/s Alfa Int., M.K.Plaza and M/s Alfa Int., Green Plaza and supporters of the Defendants who had attacked the Advocate Commissioners and Policemen accompanying them. Based on the investigation carried out under the FIR, R-21 i.e., Anwar Hussain, R-22, i.e., Lalchand Khan, were arrested on 27.01.2015 and R-17, i.e., Niyaz Ahmad, R-18, i.e., Md. Asif, R-19, i.e., Md. Jasim, R-20, i.e., Md. Salauddin, were arrested on 04.02.2015.

32. Subsequently, a charge-sheet was filed 08.12.2016 wherein the following Respondents were charge-sheeted by the Kolkata Police:-

- i. R-21 i.e., Anwar Hussain,



- ii. R-22, i.e., Lalchand Khan,
- iii. R-17, i.e., Niyaz Ahmad,
- iv. R-18, i.e., Md. Asif,
- v. R-19, i.e., Md. Jasim,
- vi. R-20, i.e., Md. Salauddin,
- vii. R-23 i.e., Faiyaz Khan
- viii. R-24, i.e., Nishar Ali,
- ix. R-25 i.e., Abul Halin,
- x. R-26 i.e., Aftab Ahmed alias Vicky,
- xi. R-27 i.e., Ajmatullah Khan,
- xii. R-28 i.e., Asif Khan,
- xiii. R-29 i.e., Nadeem Ahmed,
- xiv. R-30 i.e., Shabbir Ali,

33. In the meanwhile, Mr. Sahary, Advocate, mentioned the matter in Court, which led to the initiation of present contempt proceedings. Taking note of the same, this Court passed an order dated 22.01.2015, taking *suo motu* cognizance of the matter and placed it the matter before the Division Bench of this Court for further proceedings. Vide the same order notices were issued to the Commissioner of Police, Kolkata, through the Resident Commissioner, West Bengal Bhawan, New Delhi and the Deputy Commissioner of Police (Enforcement), Watgunj Police Station, Kolkata on 22.01.2015.

34. Vide the aforementioned order, Show Cause Notices (*hereinafter referred to as 'SCN'*) were issued to Respondent Nos. 1 to 16 (original defendants in CS(OS) 4024/2014), calling upon them to explain why proceedings for criminal contempt should not be initiated against them for



obstructing Court appointed Advocate Commissioners from doing their work and attacking them.

35. Respondent Nos. 17 to 28 were subsequently arrested by Kolkata Police pursuant to FIR No. 13/2015 and were impleaded as respondents in the present contempt proceedings vide order dated 23.03.2015. Respondents No 29 and 30 were impleaded by order dated 23.04.2024. In response to the SCN, the contemnors have filed affidavits placing their respective explanations on record.

36. R-1 i.e., Rajullah Khan is the proprietor of M/s Obsession Naaz, Shop No. 38, Ground Floor, 25 Karl Marx Sarani, Fancy Market, Kolkata-700023 and father of R-27 i.e. Ajmatullah Khan. His shop was to be inspected by Advocate Commissioner, Mr. Shravan Sahny, Advocate. In his affidavit in reply to the SCN dated 09.02.2015, he has pleaded that the incident has occurred at M.K. Plaza which is situated on Maheshtalla Lane, whereas his shop is at a distance of about 300 meters and located in an entirely separate commercial building. He has also denied any association with R-24 i.e. Nisar Ali, and submits that the said Respondent had never worked for him or his firm in any capacity. He has also averred that on the date of the incident he was on a business trip to China and had been out of the country till 16.01.2015. In this regard he has furnished a copy of his passport and passenger itinerary receipt. Furthermore, he pleads innocence and has tendered an unconditional apology. He has reiterated the same position in his affidavit submitted in compliance of order dated 12.02.2018.

37. R-2 i.e., Asraf Ali is the license holder of Shop No.29, being M/s Renu Benu Store, 25 Karl Marx Sarani, Fancy Market, Kolkata-700023. His shop was to be inspected by Advocate Commissioner Mr Ankur Mittal,



Advocate. In his affidavit in reply to the SCN dated 09.02.2015, he has averred that on the date of the incident when the Advocate Commissioners reached the market, it caused general confusion among the shop keepers and some miscreants took advantage of the situation and attacked the Advocate Commissioners. The Respondent has also pleaded that he is not well educated and, therefore, when the Advocate Commissioner visited his shop, the Respondent assumed that he was some sort of “impersonator” and requested him to wait so that he could contact his lawyer. He pleads, that nonetheless, he complied with the directions of the Advocate Commissioner and let him search his premises. In his subsequent affidavit tendered in pursuance of the order dated 12.02.2018, he has denied any relation or connection with R-17 i.e. Niyaz Ahmed and R-18 i.e. Md. Asif and states that they were at no point in time employed at his store. He has further averred that his shop is located about 500 meters away from the place of the incident and states that he was not present in the market at the time of the incident and is in no manner connected to the incident.

38. R-3 i.e., Altmas Ali, is the proprietor of M/s Alt S Trading, Shop No. 30/33, 25 Karl Marx Sarani & 35/A/H/4, Kabitirtha Sarani, Kolkata-23. His shop was to be inspected by Advocate Commissioner Mr Ankur Mittal, Advocate. In his affidavit tendered in reply to SCN dated 09.02.2015, he has pleaded that the incident has occurred at a different market complex and it is situated at a distance of about 300 meters from his shop. Further, he has averred that the SCN has been issued to him merely because he is a defendant in CS (OS) No. 4024 of 2014. He has pleaded that on the date of the incident he was not in the city he was out of station because of a business trip and was apprised about the incident at the market by one of his



employees. He has also averred that none of the Advocate Commissioners visited his store or met any of his employees on the date of the incident and neither he nor his employees are in any manner connected with the violence that took place in the market on the date of the incident. The Respondent has also tendered an unconditional apology. In his affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has reiterated the earlier position.

39. R-4 i.e., Nasrul Haque, is the proprietor of M/s Imaax Mobile Zone, Shop No. 46, Fancy Market, 25 Karl Marx Sarani, Khidderpore, Kolkata-700023. His shop was to be inspected by Advocate Commissioner Mr. Siddharth Khatana, Advocate. In his affidavit in reply to the SCN dated 18.02.2015, he has pleaded that the visit of the Advocate Commissioners to the market on the date of the incident resulted in a lot of confusion which was taken advantage of by some miscreants. He has also pleaded that these miscreants resorted to hooliganism which eventually culminated into a riot like situation at Fancy Market. The Respondent has also pleaded that he is not well educated and therefore, when the Advocate Commissioner visited his shop, the Respondent assumed that he was some sort of “impersonator” and requested him to wait so that he could contact his lawyer. However, the Advocate Commissioner proceeded to search the premises as per his whims and fancies. The R-4 has submitted that on the date of the incident he was not in town and had no role whatsoever in the incident. He has averred that he was appraised about the occurrence of the incident telephonically. In his subsequent affidavit tendered in compliance with the order of this Court dated 12.02.2018, he has reiterated the earlier position.



40. R-5 i.e., Zaheer Ahmed, is the proprietor of M/s Taha Telecom, at Shop No. 45, Fancy Market, 25 Karl Marx Sarani. His premises were also visited by Mr. Siddharth Khatana, Advocate. However, it has been stated by the learned Counsel for Respondent No.5 that he has expired during the course of these proceedings and therefore the present proceedings against him stand abated.

41. R-6 i.e., Intikhab Alam, is the proprietor of M/s Elite Electronics, Shop No. 4, Ground Floor, 2 Dent Mission Road, Khidderpore. His shop was to be inspected by Advocate Commissioner Mr. Purshotam Mishra, Advocate. In his affidavit in reply to the SCN dated 09.02.2015, he has averred that the place of the incident is located in a separate commercial building which is at a distance of approximately 300 meters from the place of the incident. He has also submitted that from 12.01.2015 to 12.02.2015 he was in Bangkok. He has furnished a photocopy of his passport and passenger itinerary receipt to support the same. In his affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has reiterated the above position and pleaded that neither he nor any person from his firm were connected with the violence that took place in Fancy Market against the members of the Commission.

42. R-7 i.e., Wahidur Rahman, is the proprietor of M/s Big Brother, located at Shop No. 5, Second Floor, Fancy Plaza, 2 Dent Mission Road, Khidderpore. His shop was to be inspected by Advocate Commissioner Mr. Purshotam Mishra, Advocate. In his affidavit in reply to the SCN dated 09.02.2015, he has stated that the incident had taken place at the shop known as M/s Flashing Tech Shop No. F4 M.K. Plaza. The said market complex is a separate commercial market and located at a considerable



distance from his shop. He has averred that he has been arrayed as a party merely because he is a defendant in CS (OS) 4024 of 2014. He has also pleaded that on the date of the incident he was not at his shop and was informed about the attack that took place on the commission after returning to his home. In his subsequent affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has reiterated the above position.

43. R-8 i.e, Zeeshan Danish, is the proprietor of M/s Danish'z Telecom DB situated at at Shop No. 6, Ground Floor, Fancy Plaza, 2 Dent Mission Road, Khidderpore. His shop was to be inspected by Advocate Commissioner Mr. Gurmehar Singh, Advocate. In his affidavit tendered in response to the SCN dated 09.02.2015, he has pleaded that the incident occurred at M.K. Plaza which is situated at Maheshtalla lane and the said market complex is in a separate commercial building and is located at a considerable distance from his shop. He has also pleaded that between 20.11.2014 to 28.01.2015 he was on a business trip to China and is in no way connected with the violence that took place against the Advocate Commissioners on 13.01.2015 at Fancy Market. In his affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has reiterated the above position.

44. R-9 i.e., Nayeemullah, is the proprietor of M/s Naaz, Shop No. 8, Ground Floor, Fancy Plaza, 2 Dent Mission Road. His shop was to be inspected by Advocate Commissioner Mr. Gurmehar Singh, Advocate. In his affidavit reply to the SCN dated 09.02.2015, he has pleaded that the visit of the Advocate Commissioners to the market on the date of the incident resulted in a lot of confusion which was taken advantage of by some



miscreants. He has also pleaded that these miscreants resorted to hooliganism which eventually culminated into a riot like situation at Fancy Market. He has submitted that when the representatives of this Court came to visit his shop, he was unsure about their credentials and requested them to wait so that he could contact his lawyer. However, he succumbed to their pressure and allowed them to search his shop and pleads that he had no role in the attack that took place against the Advocate Commissioners on 13.01.2015. In his subsequent affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has taken the plea of alibi and states that he was not in town on the date of the incident.

45. R-10 i.e., Saheb Alam, is the Director of M/s Alfa Int., with multiple outlets at Shops 10, 10A, 14, 16, 7 and 45 in Green Plaza Market, and also at G-7 and G-8, MK Plaza, 83 Manshatala Lane, Khidderpore. His shop was to be inspected by Advocate Commissioner Mr. Amit Chhabra, Advocate. In his affidavit in reply to the SCN dated 09.02.2015, he has submitted that he was not present at his shop at the time when the inspection took place. He has also pleaded that none of the Advocate Commissioners have made any specific allegations against him or any of his representatives having misbehaved with them. He contends that the Advocate Commissioners, in their affidavit submitted before this Court, rather than pointing out at any specific person have simply alleged that some shopkeepers and other persons were creating a commotion and were armed with rods and hockey sticks. In his subsequent affidavit, submitted in reply of the additional affidavit of the DCP (Enforcement Branch), Kolkata Police, he has pleaded that he is innocent and in no way connected with the persons who have been arrested for attacking the Advocate Commissioners.



46. R-11 i.e., Rashid Iqbal, is the proprietor of M/s Flashing Tech, located at Shop No. F4, First Floor, MK Plaza, 83A Manshatala Lane, Khidderpore. His shop was to be inspected by Advocate Commissioner Ms. Nishu Singla. In his reply affidavit to the SCN dated 09.02.2015, he has submitted that the learned Advocate Commissioner Ms. Nishu Singhla, Advocate, had gone beyond the scope of her commission by asking the sales men inside the shop to open the cartons that were lying inside the shop. He denies any role in the violence that took place in the market on the date of the incident. He has pleaded that the Advocate Commissioners did not following the Court's directions in the order appointing them. In his subsequent affidavit, submitted in reply of the additional affidavit of the DCP (Enforcement Branch), Kolkata Police, he has submitted that he is not connected with the persons who have been arrested by police for attacking the Advocate Commissioner and has pleaded his innocence.

47. R-13 i.e., Rumaish Akhtar, is the proprietor of M/s Super Traders, Shop No. F2, First Floor, MK Plaza, 83 Manshatala Lane, Khidderpore. His shop was to be inspected by Advocate Commissioner Mr. Kunal Prakash, Advocate. In his affidavit tendered in compliance of SCN dated 09.02.2015, he has submitted that the Advocate Commissioner has been unable to point out which shop was visited by him and who was present in the shop at the time when he was assaulted. He further pleads that he was not in Kolkata at the time of the incident and has been falsely implicated in the present case. He has submitted that he had left for Mumbai on 12.01.2015 and was there till 14.01.2015 and thereafter he was in Delhi from 15.01.2015 till 17.01.2015 and returned to Kolkata on 17.01.2015. He has tendered his unconditional apology and pleaded his innocence.



48. R-14 i.e., Md. Salahuddin, is the proprietor of M/s Amir Telecom, situated at I-Plaza, Shop No. 15 (first floor), 82B, Manshatala Lane, Khidderpore, Kolkata. His shop was to be inspected by Advocate Commissioner Ms. Medha Sachdev, Advocate. In his affidavit in reply to the SCN dated 09.02.2015, he has pleaded that he was out of station on the date of the incident and neither he nor any of his employees had any role in the the obstruction or violence that took place against the Advocate Commissioners at Fancy Market on 13.01.2015. He has also submitted that there are no specific allegations against him.

49. R-15 i.e., Md Farooque, is the proprietor of M/s Master Trading Corporation, I-Plaza, with units at Shop Nos. 32 (first floor) and 17 (ground floor), 82B, Manshatala Lane. His shop was to be inspected by Advocate Commissioner Mr. Sandeep Sharma, Advocate. In his reply affidavit to the SCN dated 09.02.2015, he has pleaded that the SCN was issued to him merely because he is a defendant in CS(OS) 4024/2014 and he was at his residence on the date of the incident. He further states that he was apprised telephonically by some of his employees regarding the incident but had no knowledge whatsoever regarding the violence that took place at Fancy Market. He has reiterated these averments in his affidavit tendered in compliance with the Order of this Court dated 12.02.2018.

50. R-16 i.e., Perbesh Alam, is the proprietor of M/s Impress, I-Plaza Market, Shop No. 3 (ground floor), 82B, Manshatala Lane, Khidderpore. His shop was to be inspected by Advocate Commissioner Mr. Sandeep Sharma, Advocate. In his reply affidavit to the SCN dated 09.02.2015, he has expressed his regret about the violence that took place at Fancy Market on 13.01.2015. However, he has maintained that he had no role in the attack



that took place on the Advocate Commissioners and was out of station on the date of the incident.

51. R-17 i.e., Niyaz Ahmed, in his affidavit reply to the SCN dated 09.02.2015, has submitted that he has no role whatsoever in the violence that took place in Fancy Market on 13.01.2015. He has pleaded that he is a small time shopkeeper and is not well educated. He further states that on the date of the incident when the raiding team visited the market it caused a sudden disruption that affected the entire market association causing a chain reaction whereafter things spiralled out of control. He has pleaded that when the Advocate Commissioners visited his store, he presumed that they were imposters and requested them to wait so that he could contact his lawyer and ascertain their credentials. Nonetheless they proceeded and he complied with their request. He has also averred that the ordeal created in the market was partly attributable to the decision of the Advocate Commissioners to not take adequate police assistance. As per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police dated 14.08.2015, he is a part time attendant of M/s Renu Benu Stores. In his affidavit tendered in compliance with the order of this Court Order dated 12.02.2018, he has submitted that he had no role in the incident and runs a small Toy Stall in front of Fancy Market and is totally innocent. R-17 has been identified in the TIP conducted by Kolkata Police on 19.02.2015.

52. R-18 i.e., Md. Asif, is purported to be associated with M/s Renu Benu Stores. In his reply affidavit to the SCN dated 09.02.2015, he has submitted that he had no involvement in the violence that took place in the market. He has submitted that he is a law abiding citizen with clean antecedents. He further states that he is a small time shopkeeper and is not



well educated. He states that on the date of the incident when the Advocate Commissioners came to visit his shop he thought that they were “impersonators”. He states that he pleaded with them to let him contact his lawyer. However, they refused to do so and ultimately he complied with their demand and let them search the store premises. In his affidavit tendered in compliance with the order of this Court dated 12.02.2018, he has stated that he had in fact tried to save the Advocate Commissioner who was being surrounded by the crowd. He has reiterated that he had no role in the alleged incident and is being falsely implicated. He has also tendered his unconditional apology. R-18 has been identified in the TIP conducted on 19.02.2015 by Kolkata Police.

53. R-19 i.e., Md. Jasim, in his affidavit reply to the SCN issued vide an order of this Court dated 09.02.2015, has submitted that he repairs cycles and does not reside in the market. He has averred that he has been falsely implicated by Kolkata Police and had no role in the violence that took place against the Advocate Commissioners at Fancy Market. As per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police dated 14.08.2015, he was working as a porter in Fancy Market. He has reiterated that he is a street hawker and has nothing to do with the incident.

54. R-20 i.e., Md. Salauddin, in his affidavit in reply to the SCN issued vide an order of this Court dated 09.02.2015, has submitted that he is in no way connected to the violence that took place against the Advocate Commissioners and works as a bus conductor. He has also stated that he is neither a resident of the vicinity nor is he in any manner connected to the subject matter of the Civil Suit, commercial activities, or any of the shopkeepers of the market. As per the additional affidavit of the DCP



(Enforcement Branch), Kolkata Police dated 14.08.2015, he was working as a porter in Fancy Market. In his affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has reiterated that he is totally innocent. He has also tendered his unconditional apology.

55. R-21 i.e., Anwar Hussain, in his affidavit in reply to the SCN, issued *vide* an Order of this Court dated 09.02.2015, has submitted that he works as a mason and has nothing to with the incident whatsoever. He has also pleaded that, he has been falsely implicated by the Kolkata Police and has neither been named in the F.I.R. nor has he been arrested from the spot. In support of his averment he has furnished an affidavit by Saheb Alam, who is the director of M/s Alfa Int., stating that he never worked for him. He has also relied on a letter issued by Garib Niwaz Majdoor Committee and Kolkata Municipal Ward No. 77 Councillor which states that he is a mason. As per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police dated 14.08.2015, he was working as an attendant at M/s Alfa Int. In his reply to the aforementioned affidavit, he has denied these averments and states that he has been arrested on the basis of mere apprehension. He has been identified in the TIP dated 12.02.2015. However, he states that he has been incorrectly identified.

56. R-22 i.e., Lalchand Khan, in his affidavit reply to the SCN dated 18.02.2015 states that he is a daily wage worker. However, as per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police dated 14.08.2015, he is purported to be an attendant at M/s Alfa Int. In his reply to the counter affidavit, he has stated that he is innocent and he has no involvement in the incident and has been arrested by the Kolkata Police on mere apprehension. He has been identified in the TIP conducted on



12.02.2015 and 03.03.2015. However, he has contended that he was incorrectly identified.

57. R-23 i.e., Faiyaz Khan in his affidavit in reply to the Show Cause Notice issued vide an order of this Court dated 09.02.2015, has pleaded that he is not connected to any of the shopkeepers or parties in the original civil suit in any manner. He has pleaded that that he is a street hawker and has been falsely implicated by Kolkata Police. As per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police he is purported to be attached with M/s Icon. In his reply to the aforementioned affidavit he has pleaded that he has no knowledge of the incident and works as a hawker in nearby Metro Cinema, Esplanade, outside the jurisdiction of Kidderpore area. He is neither a resident of the market vicinity nor is he connected with the unfortunate incident. In his affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has reiterated that he is a daily wage earner and has no role in the incident. He has been identified in TIP conducted on 19.02.2015. However, he maintains that he has been wrongly identified.

58. R-24, i.e., Nishar Ali, in his affidavit tendered in reply to the SCN dated 09.02.2015, has pleaded that he had no knowledge of the incident which took place on 13.01.2015 at Fancy Market. Furthermore, he has averred that he works as a tea seller adjacent to his residence. He has also pleaded that he is neither a resident of the vicinity nor was he connected to the unfortunate incident which took place. As per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police he is purported to be attached with M/s Obsession Naaz. In his affidavit tendered in compliance



with the order of this Court order dated 12.02.2018, he has reiterated the above position. He has been identified in TIP dated 16.03.2015.

59. R-25 i.e., Abul Halin, has pleaded in his affidavit that he is not connected to any of the shopkeepers or defendants in the original civil suit. He has submitted that he works as a labour and is not connected to the attack on the Advocate Commissioners that took place on 13.01.2015. He is purported to be a broker of Fancy Market as per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police. In his affidavit tendered in compliance of the order of this Court dated 12.02.2018, he has reiterated the above position.

60. R-26 i.e., Aftab Ahmed alias Vicky, has averred that on the date of the incident he was at Woodland Hospital, Alipur, for his treatment. He has also averred that he had no role in the incident and is not connected to any party either directly or indirectly. Additionally, he has also submitted that he does not have any commercial activities with any of the plaintiffs or respondents. As per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police, he is purported to be attached with M/s Icon. In his affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has submitted that he is a street hawker and has reiterated that he is innocent. He has been identified in TIP dated 21.03.2015.

61. R-27 i.e., Ajmatullah Khan, is purported to be attached with M/s Obsession Naaz as per the additional affidavit of the DCP (Enforcement Branch), Kolkata Police. However, in his affidavit he states that he is being falsely implicated. In his affidavit tendered in compliance with the order of this Court dated 18.02.2015 he has averred that that he has no knowledge about the incident and is not connected to any party in the Civil Suit.



Furthermore, he states that he does not reside within the market vicinity and is completely innocent. He has averred that he is a merchant trader and had no role in the incident. He has been identified in TIP conducted on 21.03.2015. He is the son of R-1, i.e., Rajullah Khan is the proprietor of M/s Obsession Naaz.

62. R-28 i.e., Asif Khan, in his affidavit tendered in compliance of the order of this Court dated 18.02.2015 has pleaded that that he is in no way connected with the Civil Suit or any commercial activities or any shopkeeper of the market. He has submitted that he works as a waiter on a daily wage basis and is neither a resident of the market nor of its vicinity. In his affidavit tendered in compliance with the order of this Court order dated 12.02.2018, he has reiterated the above position.

63. R-29 i.e., Nadeem Ahmed, in his affidavit tendered in compliance of order dated 29.07.2024, has pleaded that he is a garment trader and has nothing to do with the incident. He states that he has been falsely implicated by Kolkata Police.

64. R-30 i.e., Shabbir Ali, in his affidavit tendered in compliance of order dated 29.07.2024 has submitted that he had been summoned by this Court vide its order dated 23.04.2024 and has been impleaded as Respondent No.30, on the submissions made by the Kolkata Police. He has pleaded that he had been arrested by Kolkata Police and is one of the accused in Case No.13 of 2015 P.S. Watgunj. He states that he is an independent businessman dealing in reselling of mobile covers and has no role whatsoever with the violence that took place in Fancy Market on 13.01.2015 and is not connected with the parties to the original suit or any of the shopkeepers.



65. Heard learned *Amicus Curiae*, learned Counsel appearing for the Contemnors and the learned Senior Counsel appearing for the Kolkata Police and perused the material on record.

66. Learned *Amicus Curiae* has taken this Court to the various affidavits and has described in detail as to how the incident took place and argued that the Respondents only joined together to ensure that the Advocate Commissioners do not carry their task entrusted to them by the Court. He submits that it was a concerted and group effort to scare the Advocate Commissioners away, and an attempt was made to create fear in the minds of the LCs and the entire purpose of the incident was to somehow thwart the wheels of justice.

67. *Per contra*, learned Counsels for the Respondents/Contemnors, have in unison, tendered unconditional apology. Each of the Counsels have tried to establish that they were not aware of the orders of the Court, since the Court order had not been served upon them.

68. Learned Counsel for Respondent Nos. 17 and 18 states that they were merely bystanders who had nothing to do with the violence that took place against the Advocate Commissioners and had been picked up from the market by the Police.

69. Before this Court proceeds ahead to ascertain as to which of the Contemnors have obstructed in the administration of justice, it is necessary to delineate the scope of contempt.

70. The power to punish for contempt is a special power and needs to be exercised with care and caution, and it should be used sparingly by the Courts. The contempt jurisdiction should be confined to the question whether there has been any deliberate disobedience of the order of the Court



and whether the conduct of the party who is alleged to have committed such disobedience is contumacious or not. The Apex Court in Jhareswar Prasad Paul v. Tarak Nath Ganguly, (2002) 5 SCC 352, has observed as under:-

"11. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law, since the respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen and the democratic fabric of society will suffer if respect for the judiciary is undermined.

(emphasis supplied)

71. A perusal of the above judgment shows that the purpose of the Contempt of Courts Act, 1971 (*hereinafter referred to as 'the Act'*) is to prevent interference in the course of administration of justice.

72. The contours of contempt jurisdiction has been further explained in Ram Kishan v. Tarun Bajaj, (2014) 16 SCC 204, wherein the Apex Court has observed as under:-

"11. The contempt jurisdiction conferred on to the law courts power to punish an offender for his wilful disobedience/contumacious conduct or obstruction to the majesty of law, for the reason that respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen that his rights shall be protected and the entire democratic fabric of the society will crumble down if the respect of the judiciary is undermined. Undoubtedly, the contempt jurisdiction is a powerful weapon in the hands of the courts of law but that by itself operates as a string of caution and unless, thus, otherwise satisfied beyond reasonable doubt, it would neither be fair nor reasonable for the law courts to exercise jurisdiction under the Act. The proceedings are quasi-criminal in nature, and therefore, standard of proof required in these proceedings is beyond all



reasonable doubt. It would rather be hazardous to impose sentence for contempt on the authorities in exercise of the contempt jurisdiction on mere probabilities. (Vide V.G. Nigam v. Kedar Nath Gupta [V.G. Nigam v. Kedar Nath Gupta, (1992) 4 SCC 697 : 1993 SCC (L&S) 202 : (1993) 23 ATC 400], Chhotu Ram v. Urvashi Gulati [Chhotu Ram v. Urvashi Gulati, (2001) 7 SCC 530 : 2001 SCC (L&S) 1196], Anil Ratan Sarkar v. Hirak Ghosh [Anil Ratan Sarkar v. Hirak Ghosh, (2002) 4 SCC 21], Bank of Baroda v. Sadruddin Hasan Daya [Bank of Baroda v. Sadruddin Hasan Daya, (2004) 1 SCC 360], Sahdeo v. State of U.P. [Sahdeo v. State of U.P., (2010) 3 SCC 705 : (2010) 2 SCC (Cri) 451] and National Fertilizers Ltd. v. Tuncay Alankus [National Fertilizers Ltd. v. Tuncay Alankus, (2013) 9 SCC 600 : (2013) 4 SCC (Civ) 481 : (2014) 1 SCC (Cri) 172].)

12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is “wilful”. The word “wilful” introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one's state of mind. “Wilful” means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bona fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a “bad purpose or without justifiable excuse or stubbornly, obstinately or perversely”. Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. Even if there is a disobedience



of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. "Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct." (Vide S. Sundaram Pillai v. V.R. Pattabiraman [S. Sundaram Pillai v. V.R. Pattabiraman, (1985) 1 SCC 591] , Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao [Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao, (1989) 4 SCC 255 : AIR 1989 SC 2185] , Niaz Mohammad v. State of Haryana [Niaz Mohammad v. State of Haryana, (1994) 6 SCC 332 : AIR 1995 SC 308] , Chordia Automobiles v. S. Moosa [Chordia Automobiles v. S. Moosa, (2000) 3 SCC 282] , Ashok Paper Kamgar Union v. Dharam Godha [Ashok Paper Kamgar Union v. Dharam Godha, (2003) 11 SCC 1] , State of Orissa v. Mohd. Illiyas [State of Orissa v. Mohd. Illiyas, (2006) 1 SCC 275 : 2006 SCC (L&S) 122 : AIR 2006 SC 258] and Uniworth Textiles Ltd. v. CCE [Uniworth Textiles Ltd. v. CCE, (2013) 9 SCC 753].)

xxx

15. It is well-settled principle of law that if two interpretations are possible, and if the action is not contumacious, a contempt proceeding would not be maintainable. The effect and purport of the order is to be taken into consideration and the same must be read in its entirety. Therefore, the element of willingness is an indispensable requirement to bring home the charge within the meaning of the Act. [See Sushila Raje Holkar v. Anil Kak [Sushila Raje Holkar v. Anil Kak, (2008) 14 SCC 392 : (2009) 2 SCC (L&S) 497] and Three Cheers Entertainment (P) Ltd. v. CESC Ltd. [Three Cheers Entertainment (P)



Ltd. v. CESC Ltd., (2008) 16 SCC 592 : AIR 2009 SC 735]] "
(emphasis supplied)

73. In U. N. Bora v. Assam Roller Flour Mills Association, (2022) 1 SCC 101, after analysing the various principles of law on the point, the Apex Court has quoted with approval the judgment passed in R. N. Dey v. Bhagyabati Pramanik, (2000) 4 SCC 400. The relevant excerpts of the Judgment of the Apex Court in U. N. Bora (supra), read as under:-

" 9. We do not wish to reiterate the aforesaid settled principle of law except by quoting the reasoned decision of this Court in Hukum Chand Deswal v. Satish Raj Deswal [Hukum Chand Deswal v. Satish Raj Deswal, (2021) 13 SCC 166 : 2020 SCC OnLine SC 438] wherein the celebrated judgment in Ram Kishan v. Tarun Bajaj [Ram Kishan v. Tarun Bajaj, (2014) 16 SCC 204 : (2015) 3 SCC (L&S) 311] , has been quoted. The following paragraphs would govern the aforesaid principle : (Hukum Chand Deswal case [Hukum Chand Deswal v. Satish Raj Deswal, (2021) 13 SCC 166 : 2020 SCC OnLine SC 438] , SCC paras 20-21 & 25-27)

"20. At the outset, we must advert to the contours delineated by this Court for initiating civil contempt action in Ram Kishan v. Tarun Bajaj [Ram Kishan v. Tarun Bajaj, (2014) 16 SCC 204 : (2015) 3 SCC (L&S) 311] . In paras 11, 12 and 15 of the reported decision, this Court noted thus : (SCC pp. 209-11)

'11. The contempt jurisdiction conferred on to the law courts power to punish an offender for his wilful disobedience/contumacious conduct or obstruction to the majesty of law, for the reason that respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen that his rights shall be protected



and the entire democratic fabric of the society will crumble down if the respect of the judiciary is undermined. Undoubtedly, the contempt jurisdiction is a powerful weapon in the hands of the courts of law but that by itself operates as a string of caution and unless, thus, otherwise satisfied beyond reasonable doubt, it would neither be fair nor reasonable for the law courts to exercise jurisdiction under the Act. The proceedings are quasi-criminal in nature, and therefore, standard of proof required in these proceedings is beyond all reasonable doubt. It would rather be hazardous to impose sentence for contempt on the authorities in exercise of the contempt jurisdiction on mere probabilities. (Vide V.G. Nigam v. Kedar Nath Gupta [V.G. Nigam v. Kedar Nath Gupta, (1992) 4 SCC 697 : 1993 SCC (L&S) 202] , Chhotu Ram v. Urvashi Gulati [Chhotu Ram v. Urvashi Gulati, (2001) 7 SCC 530 : 2001 SCC (L&S) 1196] , Anil Ratan Sarkar v. Hirak Ghosh [Anil Ratan Sarkar v. Hirak Ghosh, (2002) 4 SCC 21] , Bank of Baroda v. Sadruddin Hasan Daya [Bank of Baroda v. Sadruddin Hasan Daya, (2004) 1 SCC 360] , Sahdeo v. State of U.P. [Sahdeo v. State of U.P., (2010) 3 SCC 705 : (2010) 2 SCC (Cri) 451] and National Fertilizers Ltd. v. Tuncay Alankus [National Fertilizers Ltd. v. Tuncay Alankus, (2013) 9 SCC 600 : (2013) 4 SCC (Civ) 481 : (2014) 1 SCC (Cri) 172] .)

12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is “wilful”. The word “wilful” introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one's state of mind. “Wilful” means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes



casual, accidental, bona fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a “bad purpose or without justifiable excuse or stubbornly, obstinately or perversely”. Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. “Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct.” (Vide S. Sundaram Pillai v. V.R. Pattabiraman [S. Sundaram Pillai v. V.R. Pattabiraman, (1985) 1 SCC 591] , Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao [Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao, (1989) 4 SCC 255] , Niaz Mohd. v. State of Haryana [Niaz Mohd. v. State of Haryana, (1994) 6 SCC 332] , Chordia Automobiles v. S. Moosa [Chordia Automobiles v. S. Moosa, (2000) 3 SCC 282] , Ashok Paper Kamgar Union v. Dharam Godha [Ashok Paper Kamgar Union v. Dharam Godha, (2003) 11 SCC 1] , State of Orissa v. Mohd. Illiyas [State of Orissa v. Mohd. Illiyas, (2006) 1 SCC 275 : 2006 SCC (L&S) 122] and Uniworth Textiles Ltd. v. CCE [Uniworth Textiles Ltd. v. CCE, (2013) 9 SCC 753] .



15. It is well-settled principle of law that if two interpretations are possible, and if the action is not contumacious, a contempt proceeding would not be maintainable. The effect and purport of the order is to be taken into consideration and the same must be read in its entirety. Therefore, the element of willingness is an indispensable requirement to bring home the charge within the meaning of the Act. [See Sushila Raje Holkar v. Anil Kak [Sushila Raje Holkar v. Anil Kak, (2008) 14 SCC 392 : (2009) 2 SCC (L&S) 497] and Three Cheers Entertainment (P) Ltd. v. CESC Ltd. [Three Cheers Entertainment (P) Ltd. v. CESC Ltd., (2008) 16 SCC 592]]"

74. A perusal of the aforesaid judgments shows that the purpose of contempt is to uphold the majesty of law and to punish an offender for his wilful disobedience or obstruction to the majesty of law for the reason that respect and authority commanded by Courts are the greatest guarantee to an ordinary citizen that his rights would be protected and the fabric of the society will crumble down if the respect for the judiciary is undermined. To bring out the case of interference in the administration of justice, the Contemnors actually must know that their conduct is oriented towards interfering in the administration of justice. Without such knowledge, a person cannot be punished for criminal contempt.

75. Applying the said parameters to the facts of the present case, it transpires that this Court *vide* Order dated 23.12.2014 passed in CS (OS) 4024/2014 had appointed 11 Advocate Commissioners whose job was to visit a few places wherein it was alleged that counterfeit products of the Plaintiff are being sold.



76. The Advocate Commissioners who went to the shops have been manhandled and beaten up. It is stated that a mob of around 200 people got together in the act. Out of the 200 people, how many people knew about the orders of the Court has yet not been established. Mere bystanders who have been misguided about the incident who without knowing that they are in fact interfering in the administration of justice cannot be brought within the four corners of the Act, as they do not fall within the definition of criminal contempt. Chargesheets have been filed against them for other IPC offences and this Court is not making any observations regarding the proceedings in the said criminal trial.

77. Respondent No.19, is a cycle repair labourer, Respondent No.20 is a bus conductor, Respondent No. 25 is a daily wage labourer, Respondent No.28 is a waiter on daily wages, Respondent No.29 is a garment trader and not a shopkeeper and not connected with any shops, Respondent No.30 is an independent businessman who deals in reselling of mobile covers. These Respondents cannot be said to be in any way connected with the shops and they seem to be mere bystanders. There is nothing on record to show that they could have in any way have had any knowledge of the orders of the Court or that they intended to interfere with the administration of justice. These Respondents are, therefore, absolved from the contempt proceedings and their notices stand discharged.

78. This Court is not making any comment as to whether they were participants of the mob who beat up the Advocate Commissioners. Since there is no material against them of their having any knowledge of the Court orders, the purpose for which the Advocate Commissioners were coming to



the market and that they wanted to interfere with the administration of justice, this Court is not inclined to proceed further against them.

79. This Court is only concerned with such of those persons against whom there is material to show that they have taken steps to prevent the Advocate Commissioners from carrying out the commission. This exercise can be summarised in the following manner:-

| S. No. | Name of the Local Commissioner | Premises to be visited | Place of assault | Manner of assault | Persons involved | Identification |
|--------|--------------------------------|---|---|---|---|--|
| 1. | Mr. Shravan Sahary | M/s Obsession Naaz, Fancy market, Shop No.38 (ground floor), 25, Karl Marx Sarani, Khidderpore, Kolkata-700023. | M/s Obsession Naaz, Fancy market, Shop No.38 (ground floor), | Grabbed by his neck, pushed and dragged into the building, kicked with lathis and rods. Received blows on nose which knocked two upper front teeth. Received multiple injuries to face, neck and chest. | i. R-1, i.e., Rajullah Khan (Prioprietor-M/s Obsession Naaz) ii. R-24, i.e., Nishar Ali iii. R-27, i.e., Ajmatullah Khan @ Mintu | <ul style="list-style-type: none"> • R-24 has been identified in TIP dated 16.03.2015. • R-27 has been identified in TIP dated 21.03.2015. |
| 2. | Mr. Ankur Mittal | (a) M/s Renu Benu Stores, Fancy market, Shop No.29, 25, Karl Marx Sarani, Khidderpore, Kolkata- 700023 and, (b) M/s ALTS Trading, Fancy market, Shop | As stated in Para 5 of Mr. Siddharth Khatana's affidavit that he was beaten up around Shop No.46 which belongs to | Was assaulted and received injuries to his leg. | i. R-2, i.e., Asraf Ali (Properietor - M/s Renu Benu Stores) ii. R-17, i.e., Niyaz Ahmed iii. R-18, i.e., Md. Asif. | <ul style="list-style-type: none"> • R-17 and R-18 have been identified in TIP dated 19.02.2015. |



| | | | | | | |
|----|-----------------------------|--|---|---|--|--|
| | | No.30/33, 25, Karl Marx Sarani, Khidderpore, Kolkata - 700023 also at 35/A/H/4, Kabitirtha Sarani, Watgunge Street, Kolkata -700023. | M/s Imaxx Mobile Zone. | | | |
| 3. | Mr. Siddharth Khatana | M/s Imaxx Mobile Zone, Fancy market, Shop No.46 (ground floor), 25, Karl Marx Sarani, Khidderpore, Kolkata -700023 and, M/s Taha Telecom, Fancy market, Shop No.45, 25, Karl Marx Sarani, Khidderpore, Kolkata -700023. | M/s Imaxx Mobile Zone, Fancy market, Shop No.46 (ground floor), | Dragged out of the shop, kicked and assaulted. | i. R-4, i.e., Nasrul Haque (Proprietor- M/s Imaxx Mobile Zone) | |
| 4. | Mr. Amit Chhabra | M/s Alfa Int., Green Plaza market, Shop No.10, 10A, 14, 16, 7 and 45, 25, Karl Marx Sarani, Khidderpore, Kolkata - 700023 Also at M.K.Plaza, Shop No.G-7 and G-8 83, Manshatala Lane, Khidderpore, Kolkata - 700023. | M/s Alfa Int., Green Plaza market, M. K. Plaza, Shop No.G-7 and G-8. | Mr Chhabra was pulled out of the shop, beaten up and threatened with rods, sticks and dandas. Members of the mob grabbed his collar, kicked him and pulled his hair. | i. R-10, i.e., Saheb Alam, (Director of M/s Alfa Int.) ii. R-21, i.e., Anwar Hossain iii. R-22, i.e., Lalchand Khan | <ul style="list-style-type: none"> • R-21 has been identified in TIP dated 12.02.2015 and 03.03.2015. • R-22 has been identified in TIP dated 12.02.2015 |
| 5. | Ms. Nishu Singla | M/s Flashing Tech, M.K.Plaza, 83A, Manshatala | M/s Flashing Tech, | Upon reaching the shop, she found four | i. R-11, i.e., Rashid Iqbal (Proprietor- | |



| | | | | | | |
|----|-------------------|--|---|---|---|--|
| | | Lane (first floor), shop No.F4, Khidderpore, Kolkata – 700023 | M.K.Plaza, 83A, Manshatala Lane (first floor). | cartons lying inside the shop, two attendants in the shop made phone calls, whereafter a mob wielding rods and hockey sticks came and threatened her team with dire consequences. | M/s Flashing Tech) | |
| 6. | Ms. Raspreet Kaur | M/s Flashing Tech, Green Plaza Market, Second Floor, Shop No.S4, S5 and 20-F Karl Marx Sarani, Khidderpore, Kolkata -700023. | M/s Flashing Tech, Green Plaza Market, Second Floor, Shop No.S4 and S5. | Was obstructed and threatened but not assaulted. | i. R-11, i.e., Rashid Iqbal (Proprietor-M/s Flashing Tech) | |
| 7. | Mr.Kunal Prakash | M/s. Super Traders, M.K.Plaza (first floor), 83, Manshatala Lane, Shop No.F2, Khidderpore, Kolkata -70002. | M/s. Super Traders, M.K.Plaza (first floor). | Upon reaching the shop a crowd gathered armed with baseball bats, iron rods etc. and threatened to kill him. | i. R-13, i.e., Rumaish Akhtar (Proprietor-M/s. Super Traders) | |

80. The plea of *alibi* raised by Respondent No.1, Respondent No 4 and Respondent No 13 cannot be accepted. It cannot be said that since Respondent No.1 was not present in the country and Respondent 4 and 13 were not in Kolkata, they were unaware of what has happened. The affidavits placed on record clearly demonstrate that Respondent No.1 and Respondent 4 and 13 were in the knowledge of the orders of this Court and they only wanted the Advocate Commissioners appointed by this Court to



fail in the task entrusted to them by the Court. Rather, a mob was incited by the shopkeepers so that they could teach the Advocate Commissioners a lesson and scare them away without carrying the task entrusted to them by this Court.

81. Advocate Commissioners were given the task to visit shops, prepare inventory of counterfeit products being sold under the trademark 'Samsung' and the oval slanted logo or any other mark deceptively similar to the Plaintiff's trademark. The Advocate Commissioners were directed to seize all such articles, seal them and then release them on *Superdari* with directions to produce them before the Court as and when required. The Court Commissioners have been brutally beaten up by the Contemnors, striking terror in their minds and forcing them to flee from the place. The facts reveal that the idea was to dissuade Local Commissioners from performing the work assigned to them by the Court. Interfering with the work assigned to the Advocate Commissioners amounts to interference in the administration of justice. If such of those persons who have interfered with the administration of justice are not dealt with heavy hands, the majesty of law will come down in the eyes of ordinary citizens which will have a deleterious effect on the fabric of the society. It is, therefore, imperative; rather, duty of the Court, to ensure that people who interfere in the administration of justice are dealt with severely so that people respect and adhere to law for the rule of law to prevail.

82. Viewed in this manner, Respondent Nos.1, 2, 4, 10, 11, 13, 17, 18, 21, 22, 24 and 27 have interfered in the administration of justice and are, therefore, liable to be punished for criminal contempt. The details of the said Respondents are tabulated hereinbelow:-



2025:DHC:7206-DB



| S. No. | Respondent | Name |
|--------|------------------|--|
| 1. | Respondent No.1 | Rajullah Khan, i.e., Proprietor of M/s Obsession Naaz |
| 2. | Respondent No.2 | Asraf Ali, i.e., License Holder of M/s Renu Benu Stores |
| 3. | Respondent No.4 | Nasrul Haque, i.e., Proprietor of M/s Imaxx Mobile Zone |
| 4. | Respondent No.10 | Saheb Alam, i.e., Director of M/s Alfa Int. |
| 5. | Respondent No.11 | Rashid Iqbal, i.e., Proprietor of M/s Flashing Tech |
| 6. | Respondent No.13 | Rumaish Akhtar, i.e., Proprietor of M/s Super Traders |
| 7. | Respondent No.17 | Niyaz Ahmed, i.e., Attendant at M/s Renu Benu Stores |
| 8. | Respondent No.18 | Md. Asif, i.e., Attendant at M/s Renu Benu Stores |
| 9. | Respondent No.21 | Anwar Hossain, i.e., Attendant at M/s Alfa Int. |
| 10. | Respondent No.22 | Lalchand Khan, i.e., Attendant at of M/s Alfa Int. |
| 11. | Respondent No.24 | Nishar Ali, i.e., Attendant at M/s Obsession Naaz |
| 12. | Respondent No.27 | Ajmatullah Khan @ Mintu, i.e., Attendant at M/s Obsession Naaz & S/o Rajullah Khan, i.e., Proprietor of M/s Obsession Naaz |

83. Though all these Respondents have tendered their unconditional apologies but looking at the fact that Advocate Commissioners of this Court



have been manhandled and they have suffered serious injuries and also the fact that Police Officers who were accompanying the Advocate Commissioners have also suffered serious injuries, this Court is inclined to impose a fine of Rs.2,000/- on each of these Contemnors and sentence them to undergo simple imprisonment for one day.

84. Needless to state and it is reiterated that the observations made in this Judgment are confined only to the proceedings initiated under the Contempt of Courts Act and not for any other purpose. The criminal cases which have been initiated would be decided on the weight of the evidence adduced in those cases.

85. This Court expresses its appreciation for the assistance provided by the learned *Amicus Curiae*.

86. The contempt notices in respect of the other Respondents are discharged.

87. Let the medical examination of the Contemnors, who have been punished, be conducted in Tihar Jail.

88. The petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

AUGUST 22, 2025

hsk/ps/VR