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TO

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Subject: Request for consent to initiate proceedings for criminal contempt against Justice (retd) SN Dhingra, Senior Advocates Mr. Aman Lekhi and Mr. K. Rama Kumar under Section 15 of Contempt of Courts Act, 1971 read with Rule 3(c) of The Rules to Regulate Proceedings for Contempt of Supreme Court 1975.

1. That Hon'ble Supreme Court Bench on Friday made strong observations against former BJP spokesperson Nupur Sharma for making blasphemous comment against Prophet Mohammad. The vacation bench of Justices Surya Kant and J B Pardiwala refused to entertain Nupur Sharma's plea to club all FIRs lodged against her in the country and told her counsel Maninder Singh, "It is for you to decide whether you want to withdraw and go before the High Courts concerned...It is a fit

case for declining relief, Our conscience is not satisfied.” The counsel withdrew his petition.

2. That Hon’ble Supreme Court Bench of Justice Surya Kant and Justice J. B. Pardiwala had oral remarks made in former BJP Spokesperson Nupur Sharma's case are "The Supreme Court is a constitutional court. It has all the powers and authority to speak what appeals to its judicial conscience"
3. That during the course of hearing of any matter, the judges engage with counsel. They don't maintain sphinx-like silence. While engaging with counsel, it's natural for judges to open up and make observations and suggestions. The question of expunging observations, even if unjustified or irrelevant, shouldn't arise since these remarks are tentative observations.
4. That in an interview to India TV on 2 July 2022, Justice Dhingra asserted that the SC has no right to make such remarks adding, From any point of view the Supreme Court has no right to make such remarks. He further said that the Supreme Court imposed a charge and gave verdict without listening Nupur Sharma. Justice SN Dhingra retired judge of Delhi High Court has slammed the Supreme Court’s observations on Nupur Sharma, terming it as ‘irresponsible’, ‘illegal’ and ‘unfair’.

A True copy of media ORGNISER dated 4.7.2022 is annexed here as **ANNEXURE – P 1** (pages 6 – 7)

5. That Senior Advocate and former Additional Solicitor General in Supreme Court Aman Lekhi said in media Verdictum on 1 July 2022 that "The Supreme Court's oral observations stating that Nupur is exclusively responsible for the situation defies reality. Hate mongering is not limited to one community. He said "the observations made by the Court are totally unwarranted" .

6. That Senior Advocate K. Rama Kumar said in media Verdictum on 1 July 2022 "This is unheard of in the Indian judiciary. The Supreme Court has been reminding all judges of maintaining sobriety and balance in their observation even in written judgments. This is all the more so when observations are made particularly in the presence of media who are likely to mislead the statement and create a bad impression." "Accordingly to me, this has intensely affected the dignity and prestige of the Court"

A True copy of media Verdictum dated 1.7.2022 is annexed here as **ANNEXURE – P 2.** (Pages 8 – 10)

7. That Justice SN Dhingra, Senior Advocates Aman Lekhi and K. Rama Kumar statements published in all electronic Medias, TV channels and social Medias. All above three persons made

irreparable injuries to Indian Judiciary and the Nation by unparliamentary statements and derogatory remarks hence falls within the scope of the Contempt of Courts Act, 1971.

8. That Justice SN Dhingra, Senior Advocates Aman Lekhi and K. Rama Kumar insulting the Supreme Court, the same not only cast aspersions in the minds of people on the integrity of the Supreme Court but they also attempt to scandalize the nation's highest judiciary. The Supreme Court of India is the first interpreter and the guardian of the Constitution of India. It is appalling to see the lack of faith and sheer contempt being expressed towards the fundamental frameworks of this country. The intent to undermine the Court and its capacity to dispense justice is evident.

9. That the statements abovementioned and publication thereof scandalises the Hon'ble Supreme Court, prejudices and interferes with the due course of judicial proceedings and administration of justice.

It is therefore, I humbly request you kindly give Consent immediately to initiate proceedings for criminal contempt against initiate proceedings for criminal contempt against Justice (retd) Mr.SN Dhingra Senior Advocates Mr. Aman Lekhi and Mr. K. Rama Kumar

under Section 15 of Contempt of Courts Act, 1971 read with Rule 3(c) of The Rules To Regulate Proceedings for Contempt of Supreme Court 1975.

Thanking you

5.7.2022

Regards.

C.R.JAYA SUKIN

ANNEXURE P - 1

Voice of the Nation

ORGANISER**“Supreme Court is not above the law”: Justice SN Dhingra slams SC observation on Nupur, calls it irresponsible&illegal**

SN Dhingra said, “I don’t understand how the Supreme Court can make such oral observations? If the Supreme Court had guts, it would have given those comments as a part of the written order.”

**WEB DESK**

Jul 4, 2022, 04:12 pm IST

in **Bharat, Delhi**

New Delhi: Justice SN Dhingra retired judge of Delhi High Court has slammed the Supreme Court’s observations on Nupur Sharma, terming it as ‘irresponsible’, ‘illegal’ and ‘unfair’.

In an interview to India TV, Justice Dhingra asserted that the SC has no right to make such remarks adding, “From any point of view the Supreme Court has no right to make such remarks. He further said that the Supreme Court imposed a charge and gave verdict without listening Nupur Sharma.

“In my view this remark is very irresponsible in itself. The Supreme Court has no right to make any such remark that the entire career of the person who has come to seek justice may be ruined or all the courts are prejudiced against him/her,” he replied to a question by India TV.

SN Dhingra said, “I don’t understand how the Supreme Court can make such oral observations? If the Supreme Court had guts, it would have given those comments as a part of the written order. The Supreme Court has only written in the order that the petition is dismissed as withdrawn. Why? Why did the court not include its comments in the written order so that the Supreme Court could be held answerable to the questions like – how is it righteous of you to consider her guilty without any trial of the case, to become a prosecutor yourself, to charge the accused on your own, and declare her guilty only to deliver your judgment orally?”

“There was neither testimony, nor investigation, nor was she given any opportunity to present his explanation, he said. Commenting on the questions which are being raised on the Supreme Court’s observation, “Justice Dhingra said. He said that even the Supreme Court is not above the law.

”The law says that if you want to convict a person, you must first frame the charge against him, then the prosecution will present his evidence, after which he will get an opportunity to give his statement on that evidence. He/she then gets a chance to present his/her witnesses. After that it is the duty of the court to take into account all the evidence and give its verdict,’ he added.

Recently, a vacation bench of the apex court severely criticised former BJP spokesperson Nupur Sharma and blamed her for the Islamic terrorist attack which took place in Udaipur in which an innocent Hindu tailor was beheaded. A petition has been filed before the Chief Justice of the Supreme Court amid growing public outrage against the remarks of judges against former BJP spokesperson Nupur Sharma.

True copy

ANNEXURE P - 2

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The Bar Reacts To Remarks By Judges About Nupur Sharma

By Verdictum News Desk | 1 July 2022

The Supreme Court today made a very controversial remark while hearing the plea of Nupur Sharma seeking transfer and consolidation of the FIRs registered against her across the Country.

The Bench of Justice Surya Kant and Justice J. B. Pardiwala today remarked that the outburst by Nupur Sharma (alleged blasphemous remarks) was responsible for the incident of Udaipur where a tailor was beheaded. The Bench also said that Nupur Sharma should have apologised to the nation and that she is single-handedly responsible for what happened in the country, referring to the riots that happened in different parts of the country against her remarks.

The case before the Court was dismissed as withdrawn "with liberty to avail alternate remedy available under the law". However, the oral remarks by the Bench during the hearing have led to a huge uproar.

Here is what the Bar has to say on what transpired in Court today:-

"Unwarranted": Senior Advocate Aman Lekhi

Senior Advocate and former Additional Solicitor General in Supreme Court said, "The Supreme Court's oral observations stating that Nupur is exclusively responsible for the situation defies reality. Hate mongering is not limited to one community. As far as the prayer for consolidation of cases against her is concerned, the principle of unity of causes for being decided in one forum applies, and her case was well-founded."

He also said that "Nupur through her lawyer in withdrawing the petition, made a mistake. Instead, she should have invited the Order".

"In any case, the observations made by the Court are totally unwarranted", he said.

"Tentative Observations": Senior Advocate Mohan Katarki

Senior Advocate Mohan Katarki said, "During the course of hearing of any matter, the judges engage with counsel. They don't maintain sphinx-like silence. While engaging with counsel, it's natural for judges to open up and make observations and suggestions. The question of expunging observations, even if unjustified or irrelevant, shouldn't arise since these remarks are tentative observations."

He also said that "The Supreme Court is a constitutional court. It has all the powers and authority to speak what appeals to its judicial conscience".

"Moreover, it was open to the counsel for Nupur to reply and even protest if the observations were unjustified or irrelevant", he added.

"Beyond the Brief": Senior Advocate K. Rama Kumar Senior Advocate

K. Rama Kumar said, "In my humble opinion, the judges of the Supreme Court were going beyond the brief before them. In pronouncing on the merits of the case, suggesting that the petitioner for a transfer is already guilty of the offence."

Reacting with strong words, he said, "This is unheard of in the Indian judiciary. The Supreme Court has been reminding all judges of maintaining sobriety and balance in their observation even in written judgments. This is all the more so when observations are made particularly in the presence of media who are likely to mislead the statement and create a bad impression."

"Accordingly to me, this has intensely affected the dignity and prestige of the Court", he added.

"Justifiably Admonished": Senior Advocate Vivek Sood

Senior Advocate Vivek Sood said, "In my view, the Supreme Court has justifiably admonished Nupur Sharma. This sends the correct signal to people not to indulge in passing such derogatory remarks against any religion. The Apex Court is not only the final adjudicator of legal disputes but also has a duty to ensure that Constitutional morality is maintained in the country".

"Oral Observations Do Not Mean Anything": Senior Advocate Sukumar Pattjoshi

Senior Advocate Sukumar Pattjoshi feels that oral remarks need not be discussed. He said, "Oral observations do not mean anything. They are not the verdict. Many things come in oral observations. Under what circumstance things were said, we don't know since we were not in court. The journalists sometimes report out of proportion. It is very difficult to opine. Oral observations do not call for any opinion. They are not judgments."

<https://www.verdictum.in/interviews/in-conversation-pallavi-pratap-criminal-procedure-identification-act-2022-1374208?infinitescroll=1>

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