



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 13788/2023

Shiv Charan Gupta Advocate S/o Late Shri Kedar

----Petitioner

Versus

Mr. Ashok Gahlot

----Respondent

For Petitioner(s) : Mr. Shiv Charan Gupta, petitioner
present in person

HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

02/09/2023

This petition, styled as a Public Interest Litigation, has been filed by a Member of the Bar praying this Court to take suo motu cognizance of contempt of court invoking jurisdiction under Article 215 of the Constitution of India against the respondent, who is the sitting Chief Minister of Rajasthan.

The petition contains averments on affidavit that he came across a newspaper report published in Dainik Bhaskar, Jaipur dated 31.08.2023, which contains a report containing statement attributed to the respondent. Reading out the contents of the newspaper report, it is alleged and submitted that the respondent has laid scathing attack on the entire judicial system without reference to any particular case or class of cases. He would submit that the allegation contained in the report, scandalizes and lowers the authority of the Court. Referring to the provision contained in Section 2(c) of the Contempt of Courts Act, 1971, it is submitted that such a statement would amount to criminal contempt.

We have gone through the contents of the petition, statements made on affidavit as also the newspaper report. The



report attributes the statement stated in the newspaper to respondent. The allegations are general in nature and against the judiciary as a whole.

The contempt petition is filed attributing the aforesaid statements to respondent, which is based on a newspaper report.

The contents of the statement, if made by the respondent, *prima facie* make out a case that it tends to scandalize the Courts because it does not refer to any particular case or category of cases, but general in nature against the judiciary as a whole.

The petitioner has prayed for taking suo motu cognizance. He would submit that there is no specific provision contained in the Rajasthan High Court Rules, 1952 providing for the manner or procedure through which suo motu cognizance could be taken, therefore, this petition has been filed bringing to the notice of this Court the information contained in the newspaper which attributes the statement to the respondent.

In view of above consideration, we are inclined to seek response of the respondent with regard to the statement which are attributed to him in this petition on the basis of the newspaper report.

Issue notice to the respondents on payment of PF by ordinary as well as registered post within three days, returnable by three weeks.

List on 03.10.2023.

(ASHUTOSH KUMAR),J

(MANINDRA MOHAN SHRIVASTAVA),J

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