

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

CRIMINAL PETITION No.4162 of 2020

Mr. N. Peddi Raju, alleged Contemnor No.1

Mr. Ritesh Patil, the alleged Contemnor No.2

Mr. Nitin Meshram, the alleged Contemnor No.3

ORDER:

1. The Criminal Petition which was disposed of by this Court by an order dated 17.07.2025 is now been reopened pursuant to the judgment dated 11.08.2025 of the Hon'ble Supreme Court presided over by the Hon'ble the Chief Justice of India. The judgment was passed in Suo Motu Contempt Petition (Civil) No.3 of 2025. The judgment was placed before this Court on 18.08.2025. The matter was listed before this Court at 10.30 a.m., on 19.08.2025 pursuant to the permission for listing given by the Hon'ble the Chief Justice of this Court.

2. The matter is now reopened only for the limited purpose of considering the Affidavits of Apology tendered by the three alleged Contemnors.

3. On 19.08.2025, the alleged Contemnor No.1, Mr. N. Peddi Raju (the *de facto* complainant) was present in Court. The alleged

Contemnor No.2, Mr. Ritesh Patil (Advocate-on-Record, Supreme Court of India) and the alleged Contemnor No.3, Mr. Nitin Meshram (the Advocate who drafted the Transfer Petition), appeared online. The alleged Contemnors were directed to file their respective Affidavits for Apology on 21.08.2025 and were also given liberty to appear online on the next date of hearing i.e., 22.08.2025.

4. The Affidavits of Apology were placed before me on 21.08.2025. The affidavits were sent by mail to the Registrar General/Registrar (Judicial) of this High Court.

5. I have perused the Affidavits of Apology filed by the alleged Contemnors. The gist of the affidavits is as follows:

i. The alleged Contemnor No.1, Mr. N. Peddi Raju, states that he had tendered his apology to the Hon'ble Supreme Court in Suo Motu Contempt Petition (Civil) No.3 of 2025 and is tendering his apology to this Court pursuant to the directions of the Hon'ble Supreme Court.

ii. The alleged Contemnor No.2, Mr. Ritesh Patil, states that he regrets the use of language in the Transfer Petition and further

states that the Transfer Petition was drafted by Mr.Nitin Meshram. The Affidavit further states that the alleged Contemnor No.2 failed to notice that it contained remarks against this Court, although he had the occasion to go through the same before signing and filing.

iii. The alleged Contemnor No.3, Mr.Nitin Meshram, states that he appeared as counsel in the Transfer Petition and sought withdrawal of the same which was not permitted by the Hon'ble Supreme Court. While dismissing the Transfer Petition, the Hon'ble Supreme Court took exception to the pleadings and initiated Suo Motu Contempt Proceedings against the alleged Contemnors. The alleged Contemnor No.3 further states that he tenders his unconditional apology to this Court, accepts responsibility for drafting the Transfer Petition and expresses regrets for the error of judgment on his part on the use of language employed in the drafting of the said petition.

6. First and foremost, this Court wishes to record its utmost respect for the judgment of the Hon'ble Supreme Court. This Court wishes to express a few thoughts, with the leave of the Hon'ble Supreme Court.

7. Paragraph No.2 of the judgment of the Hon'ble Supreme Court mentions the grounds on which the Criminal Petition was sought to be transferred from this Court. The grounds stated are of a serious apprehension of partiality and procedural discrimination since the argument of the learned counsel appearing for the petitioner before the Hon'ble Supreme Court (respondent No.2 in the Criminal Petition) was summarily curtailed. The petitioner/respondent No.2 complained that he was given only five minutes to argue the matter. Paragraph No.3 of the judgment states that the petitioner/alleged Contemnor No.1 believed that there existed a likelihood of derailment of justice.

8. It is not necessary to dwell on the allegations since the Hon'ble Supreme Court has comprehensively considered the issues raised in the Transfer Petition. This Court only intends to record that the allegation of the alleged Contemnor No.1 of not being given a proper hearing is contrary to the records.

9. It may not be out of place to say that the act of hearing learned counsel representing a litigant is an indispensable part of decision-making. Giving a proper hearing to counsel as the

representative of a litigant is also an expression of respect. The ongoing dialogue dissipates boundaries between the Bar and the Bench and merges into a common quest for justice. After a decision is pronounced, an aggrieved party has the right to seek recall or review of the judgment or challenge it before a higher forum. While criticizing a judgment is part of the legal process, personal attacks on a Judge on allegations of bias and collateral motives rupture the implicit trust between the Court and the officers of the Court.

10. Contempt of Court includes Criminal Contempt which encompasses any act which scandalises or tends to scandalise, or lowers or tends to lower the authority of, any Court. An expression of sincere remorse has the effect of cleansing the scandalous act on the part of the alleged Contemnor. While a Court can choose to accept or reject an apology, it is important to bear in mind that the authority of the Court stems, not from retaliation or the power to penalize and punish, but the power to balance the scales of justice.

11. A trend of vilifying Judges has emerged in recent times. Disgruntled lawyers and litigants often demand release, recusal

and transfer of matters on the pretext of oblique motives attributed to the Judge. Such reckless allegations derail the course of justice by creating an environment of intimidation which is not conducive to the effective administration of justice. Personal attacks on Judges breach the safety-net of impartial decision-making and is antithetical to independent judges. Targetting of Judges makes for skeptical and unsure Judges.

12. The attackers also forget that while casting – and circulating – aspersions in print or on social media can be done by the flick of a key, the concerned Judge does not have a platform to present his/her side of the story. One-sided mud-slinging, more often than not, swings right back to besmirch the attacker. The ‘Majesty’ of a Court is an inalienable part of the respect associated with upholding of the Rule of Law. Attacks on Judges irrevocably dent the dignity of Courts as impartial arbiters of justice and affects public trust and confidence in the judiciary. Advocates, as equal participants in the quest for justice, have a greater responsibility in ensuring that the Court is not brought to disrepute.

13. As an end-note, Judgeship is never about the power of the Chair but is always about the responsibility of disseminating justice with conscience, commitment and compassion. The common man should repose full faith and confidence on the Courts. Fortunately, notwithstanding the occasional stresses and strains, Courts continue to be the proud flag-bearers of justice.

14. I accept the apology tendered by the three alleged Contemnors. Let the matter be placed before the Hon'ble Supreme Court, as directed in the judgment dated 11.08.2025.

15. This Court remains grateful and indebted to the Hon'ble Supreme Court and the Hon'ble the Chief Justice of India.

MOUSHUMI BHATTACHARYA, J

22nd August, 2025.

TJMR