

ITEM NO.6

COURT NO.9

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CRL.) NO(s). 197 OF 2011
(FOR PREL. HEARING)

JOGINDER SINGH

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.
(With office report)

Respondent(s)

Date: 14/10/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Lekh Raj Rehaliq, Adv.
Mr. R.C. Kaushik, Adv.
Mr. Kartar Singh, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Heard learned counsel for the petitioner.

This is an application under Article 32 of the Constitution of India against an order of conviction of the petitioner by the Judge, Special Court, Jalandhar, inter alia, on the ground that the petitioner was in possession of 1640 kgs of poppy husk and the Judge, Special Court, Jalandhar had sentenced the petitioner with ten years imprisonment and fine of Rs.1,00,000/- and in default of payment of fine, to further undergo

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rigorous imprisonment for six months.

That order of conviction and sentence dated 27th November, 2003 was challenged by the petitioner herein before the High Court which was dismissed by the High Court on 19th May, 2008. Aggrieved by the decision of the High Court, the petitioner filed a special leave petition in this Court which was also came to be dismissed on 16th February, 2009.

Now in this petition filed under Article 32 of the Constitution challenging inter alia the same order of conviction and sentence, a written statement has been made by the petitioner in page 'L' of the "List of Dates" that the judgment and sentence secured by the respondents No. 1 to 3 from the Court of Ld. Special Judge, Jalandhar, Punjab was "fraudulent".

We are, prima facie, of the view that apart from the fact that such a petition under Article 32 is misconceived, the expression of the word 'fraudulent' in respect of judgment of a Court having competent jurisdiction amounts to criminal contempt.

We, therefore, issue contempt notice on the petitioner Joginder Singh as also on Mr. Lekh Raj Rehalia, advocate who drafted this kind of pleading and signed this petition on behalf of the petitioner and also appeared before us today and Mr. R.C. Kaushik,

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Advocate on Record for the petitioner to show cause why appropriate steps under the Contempt of Courts Act may not be taken against them.

The Rule is made returnable in six weeks. This Rule may be served on the above said persons within two weeks from today.

List the matter on 25th November, 2011. The persons against whom the Rule has been issued, must be present in the Court on the returnable date.

(G.SUDHAKARA RAO)
COURT MASTER

(VINOD KULVI)
COURT MASTER