

ITEM NO.302

COURT NO.5

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CONTEMPT PETITION (CIVIL) Diary No(s). 13898/2024

(Arising out of impugned final judgment and order dated 20-03-2024 in SLP(C) No. 9885/2023 passed by the Supreme Court Of India)

AMINUL HAQUE LASKAR

Petitioner(s)

VERSUS

KARIM UDDIN BARBHUIYA & ORS.

Respondent(s)

Date : 08-04-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Jaideep Gupta, Sr. Adv.  
Mr. Dileep Majumdar, Sr. Adv.  
Mr. Adeel Ahmed, AOR  
Mr. Abdur Razzaque Bhuyan, Adv.  
Mr. Raja Chatterjee, Adv.  
Ms. Racheet Chawla, Adv.  
Ms. Sana Parveen, Adv.  
Mr. Piyush Sachdev, Adv.  
Ms. Anupama Gupta, Adv.  
Ms. Riya Dutta, Adv.  
Mr. Supratik, Adv.

For Respondent(s) Dr. Menaka Guruswamy, Sr. Adv.  
Mr. Fuzail Ahmad Ayyubi, AOR  
Mr. Mustafa Khaddam Hussain, Adv.  
Mr. Ibad Mushtaq, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The present contempt petition under the Contempt of Courts Act 1971 read with the Rules to Regulate Proceedings

for Contempt of Supreme Court 1975, has been filed by the petitioner who is the election petitioner in the Election Petition No.01 of 2021 pending before the Gauhati High Court and respondent no.1 in the Civil Appeal No.6282/2023 arising out of SLP(C)No.9885/2023 which is allowed today by a separate judgment.

It has been alleged by the petitioner in the contempt petition that this Court had reserved the judgment on 20.03.2024 in the SLP(C)No.9885/2023 (now Civil Appeal No.6282/2023) after the arguments made by the learned senior counsel/counsel for the parties were concluded. However, it has come to the notice of the petitioner herein that respondent no.1 herein - the alleged contemnor, has published a post on his facebook account on 20.03.2024 to the effect that "the Hon'ble Supreme Court has ruled in his favour and that the allegations brought against him to defame him have fallen flat. He has been right this whole time, and it's those who brought allegations against him, have been proved as liars."

According to the learned senior counsel Mr.Jaideep Gupta for the petitioner, by publishing such post to the social media like Facebook, the alleged contemnor had attempted to interfere with the proceedings pending before this Court. When the matter was reserved for judgment, the alleged contemnor

could not have published such post on his Facebook account, and this was clear attempt to interfere with the Court's proceedings and administration of justice.

We *prima facie* find substance in the submissions made by the learned senior counsel for the petitioner. It is a matter of serious concern that nowadays there has been a profuse misuse of social media platforms on which the messages, comments, articles etc. are being posted in respect of the matters pending in the Court. Though, our shoulders are broad enough to bear any blame or criticism, the comments or posts published in respect of the matters pending in the Court, through social media platforms under the guise of right to freedom of speech and expression, which have the tendency of undermining the authority of the Courts or of interfering with the course of justice, deserves serious consideration.

It is very usual that the Judges do react during the course of arguments being made by the lawyers, sometimes in favour of and sometimes against a party to the proceeding. However, that does not give any right or leeway to either of the parties or their lawyers to the proceedings to post comments or messages on the social media distorting the facts or not disclosing the correct facts of the proceedings. The matter is required to be taken up more seriously when any such attempt is sought to be made by the party to the proceedings

## VERDICTUM.IN

4

to cause prejudice to the proceedings or interfere with the course of administration of justice.

Hence, let notice be issued to the respondent no.1 Karim Uddin Barbhuiya under the provisions contained in the Contempt of Courts Act, 1971 read with Rule 3(c) of the Rules to Regulate Proceedings for Contempt of Supreme Court, 1975. A copy of this order be furnished to the Attorney General for India also.

Notice be made returnable after four weeks.

Let the alleged contemnor remain present on the returnable date.

Registry to place the matter before the Hon'ble the Chief Justice of India for appropriate orders, if required to do so for listing before the appropriate Bench.

(NIRMALA NEGI)  
COURT MASTER (SH)

(VIDYA NEGI)  
ASSISTANT REGISTRAR