

Supreme Court of India

Amrik Singh vs State (Delhi Admn.) on 24 March, 1971

Equivalent citations: (1971) 3 SCC 215, 1971 III UJ 515 SC

Author: K Hegde

Bench: A Ray, K Hegde, P J Reddy

JUDGMENT K.S. Hegde, J.

1. A Criminal Miscellaneous Petition in Transfer Petition No. 16 of 1968 was listed before this Bench on March 22, 1971. When the petition was taken up for hearing the petitioner Amrik Singh raised an objection to the composition of the Bench. He suggested that two of the Judges constituting the Bench are interested in the case and therefore they are incompetent to hear this matter. In view of this representation we directed him to file an affidavit setting out the facts supporting his allegations. At this stage I may mention that at an earlier stage in Criminal Miscellaneous Petition No. 569 of 1968 he had alleged that all the Judges of this Court excepting the then Chief Justice, Justice Hidayatullah, and one other Judge were incompetent to hear his transfer application as they were all concerned in the case. Possibly because of the said allegation the learned Chief Justice thinking that justice must not only be done but must seem to be done, listed the petition before a Bench consisting of Judges against whom the petitioner had no objection. The learned Chief Justice, Justice Hidayatullah, retired on December 16, 1970. Two of the Judges who are members of this Bench were elevated to this Court after Criminal Miscellaneous Petition No. 569 of 1968 was filed. Hence if the allegations of Amrik Singh are correct, none of the Judges of this Court excepting one is competent to hear his petition. Under the Rules of this Court a Bench must consist of at least two Judges.

2. In view of the allegations of the petitioner made on March 22, 1971 referred to earlier, we directed him on that day to file an affidavit on that day itself setting out the facts supporting his allegations. On the same day he filed an affidavit. The relevant portion of the affidavit reads thus:

3. That my objection to the Constitution of the Bench for hearing the above-noted matter is based on the fact (without casting any aspersion on the Supreme Court or the Hon'ble Judges) that out of the huge sums involved in those cases (especially the case under FIR No. 5/53/SPE/CIA and FIR No. 5/56 of the SPE, Under Section 120B, 409, 420 etc. IPC many items of expenditure had been shown under different heads and payments to different persons for specified purposes clearly shown in the documentary evidence submitted in the said cases including the statements submitted by me Under Section 164 Cr.P.C. along with Annexures etc, dated 31-3-59 and the Supplementary statements and annexures, before the Court of the Special Magistrate incharge of these two main cases alongwith some other proceedings re-opened against me by the S.P.E. as mentioned in the above-noted orders issued to the Respondents for producing the original records.

4. That amongst the aforesaid items of expenditure and payments made to and through many named persons, the names of 2 gentlemen have also been clearly mentioned as Shri A.N. Ray and Shri Jaganmohan Reddy (along with others) both of whom are now the Hon'ble Judges of this Court constituting the Bench hearing this matter during the period before, they were elevated to the Supreme Court Bench.

The petitioner has also mentioned therein that the allegations made by him are supported by the following documents:

- (i) Statements Under Section 164 Cr.P.C. dated 31.3-1959, with all Annexures submitted in the Court of the Special Magistrate incharge SPE Cases at Delhi, in the connected cases including the case under FIR 5/53/CIA/SPE and the Case under FIR No. 5/56 of the SPE Delhi Under Section 120B, 409 and 420 I.P.C. etc. along with Supplementary Statements and affidavits filed by me.
- (ii) 'Receipt' for Rs. 50,000/- and 'Pronote' for Rs. 10,000/- forming part of the FIR No. 5/56 noted above.
- (iii) Court orders of the Special Magistrate SPE Cases dated 9-6.1961.
- (iv) Orders dated 2-1-1965 passed by the District and Sessions Judge, Delhi in Criminal Misc. Case No. 289 of 25-9-1964.
- (v) Court orders of Mr. P.D. Sharma, Additional Sessions Judge, Delhi, dated 11-10-1958 in Case No. 95 of 1958.

3. The allegations contained in this affidavit were found by us to be extremely vague as they do not set out the full particulars as to the persons who paid the amount, the amount paid, to whom the amount was paid, for what purpose, on what dates the payments were made, and from what source the petitioner came to know the same. Hence we directed the petitioner to file a better affidavit setting out the details as to the persons who paid the money, the amount paid, to whom the amount was paid, for what purpose and the dates on which the payments were made. We also wanted him to say from what source he came to know the same. We directed him to file that affidavit by 4-00 P.M. yesterday.

4. In response to that order the petitioner has filed an affidavit yesterday. The relevant portion of his affidavit reads thus:

1. That immediately after the Court Orders were passed I approached the Registrar with a request for a copy of the Orders to enable me to comply with the same fully; and the said Order's copy was given to me at 2-30 P. M. as evident from the Court Records of the Copying Branch.
2. That I have also applied for inspection of the records in the presence of the Registrar in accordance with the Court Directions but I have not yet been allowed the same as the Hon'ble Registrar told me that he would be pleased to pass necessary orders in due courses.
3. That subject to the above-noted facts, I beg to submit the details as far as possible from memory ONLY which is subject to normal error and verification by comparison with the original relevant records ordered to be produced before the Court by Their Lordships of the Supreme Court, High Court of Delhi and the Additional Chief Judicial Magistrate, New Delhi, when they have been inspected by me in accordance with the Directions of the Court.

4. That item No (i) of the list of relevant documents cited in the Court Order dated 23 3-71, contains most of the details such as the persons who made the payments, the persons in whose names the items of payment are shown to have been made, the purpose for the payments were made and the 'projects' on which some of the same were spent, the source of the funds, the amounts paid and the source of information through which these details came to the petitioner's notice. The dates have not been shown on all the entries but the connected material and the documentary evidence pertaining to this issue, available on the records of this item (i) give ample indication of the dates also. The admission of the Respondent's together with the Affidavit of a senior advocate of the High Court in corroboration of this fact, are available on the record now available in the Supreme Court. The exact location of the same can be given by me by inspection of the record in the presence of the Registrar or the Hon'ble Judges in Court.

5. That item No (ii) has been cited to show the similarity of the handwriting on the said 'RECEIPT' & PRONOTE' and the accounts-sheets and entries showing the aforesaid payments to and through the said gentlemen. These two documents were not on the file when I inspected the records in the Court Registry last time. x x x x The statements made in this affidavit are clearly evasive. It is clear from this affidavit that the petitioner had absolutely no basis to make the reckless allegations that he had made. Today we ascertained from him about the nature of the documents referred to in his affidavit. From his answers it is clear that none of those documents have any bearing on the allegations made against the Judges.

5. The allegations made against the Judges of this Court are scandalous allegations. The petitioner has been contumacious. We have given him repeated opportunities to explain his position or to detract from them and offer apologies in this Court, but he has not availed of those opportunities. It is clear from the record of this case that he is given to intimidating Judges, Magistrates and officers of the Courts. He has also made in this Court desperate allegations against the police officers. He has accused the learned Government Pleader of chicanery and resorting to subterfuges.

6. It is not from any exaggerated notion of the dignity of any one of us that we are proceeding against the petitioner for contempt of Court, but because it is imposed upon this Court the duty of preventing brevi manu in contempt to interfere with the administration of justice. The petitioner has been deliberately interfering with the course of justice and for that purpose scandalising the Judges.

7. We take a very serious view of the contempt committed by the petitioner. The Contempt committed by him is grave and his attitude in Court was contumacious. We sentence him to simple imprisonment for six months. He will be lodged in Tihar Jail. His Transfer Petition can only be taken up after he purges himself of the contempt. Registrar to issue the necessary warrant.