

## News

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**A lawyer who questioned if the HC and State respect Supreme Court rulings was given a contempt notice by the Gujarat High Court.**



***The Court noted that the attorney's persistent legal actions and accusations against courts demonstrated an attempt to undermine the legitimacy of judicial institutions.***

After determining that an advocate's remarks in court and in his pleadings amounted to insults on the judiciary, the Gujarat High Court recently issued a contempt of court order against him [Vishwas Sudhanshu Bhamburkar v. State of Gujarat & Ors].

***After failing to obtain favorable orders in previous rounds of litigation, Justice MR Mengdey observed that Advocate Vishwas Sudhanshu Bhamburkar, who personally appeared in a case voicing concerns about police inaction over building near Surat Airport, was pursuing courts.***

The Court noted, recording the conversation throughout the hearing,

He reiterated that he was only reporting the facts that were coming to light from the record when this Court asked the petitioner Party-in-Person if he was making accusations against the Court. From the aforementioned, it seems that a disgruntled litigant is seeking to discredit the august institution after failing to secure favorable orders from the institution. Both the petition's allegations and the petitioner's comments during the court hearing are intended to diminish the institution's overall legitimacy.

Bhamburkar was fined ₹25,000 by the High Court, which also ordered that his request to present his case in person be reexamined.

***It claimed that because Bhamburkar tried to weaken the authority of judicial institutions, his actions amounted to contempt of court. It instructed him to provide an explanation for why he shouldn't be subject to contempt proceedings.***

The Court declared that the petitioner's actions amounted to contempt of court, not only of this court but also of the Honorable Supreme Court and the learned trial court.

The issue started with claims that builders close to Surat Airport obtained no-objection certificates from the Airports Authority of India by providing false information about their locations, then proceeded to develop at other locations.

***Bhamburkar, citing a Supreme Court decision that requires FIRs for cognisable offenses, repeatedly urged the police to file a first information report (FIR).***

Police had previously refused to file a case, claiming that no criminal offense had been reported. In 2021, Bhamburkar petitioned the High Court, which instructed him to speak with a magistrate. The Supreme Court subsequently upheld that order.

In accordance with those instructions, Bhamburkar went before a magistrate and requested a police investigation in accordance with Criminal Procedure Code Section 156(3). Instead of

ordering an investigation, the magistrate chose to handle the case as a private complaint and carry out an investigation.

***Instead of participating in that procedure, Bhamburkar returned to the High Court, contesting the magistrate's ruling and even requesting legal action against the judge.***

The High Court initially denied the petition, stating,

***"At the outset, it is necessary to note that the current petition is a classic example of a petition that is completely misconceived and an abuse of the legal process."***

The Court examined the Airports Authority of India's affidavits and found that while some construction breaches were discovered, there was no proof that fraudulent documents had been used to secure permissions.

***The Court said that criminal procedure permits such a course of action in response to Bhamburkar's claim that the magistrate lacked the authority to turn his application into a complaint.***

The Court declared, "This contention raised by the petitioner demonstrates the complete lack of legal knowledge on the part of the petitioner Party-in-Person."

***Public Prosecutor Hardik Dave and Additional Public Prosecutor HK Patel represented the State.***