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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS.(CRL) 17/2018**
COURT IN ITS OWN MOTION

..... Petitioner
Through: Mr.Rajshekhar Rao, Ms.Kruttika
Vijay, and Mr.Sameer Dawar,
Advocates.

versus

S GURUMURTHY

..... Respondent
Through: Mr.Rahul Mehra, Standing Counsel
(CrI) with Mr.Chaitnya Gosain,
Advocate for the State.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **29.10.2018**

1. On examining the articles/ statements along with a CD containing a video uploaded on Youtube, in respect of a sitting Judge of this Court, as filed by Mr.Rajshekhar Rao, Advocate the present petition was registered by DB-1 on 25.10.2018 and directed to be placed before this Bench, being the Roster Bench.
2. Mr.Rao learned counsel states that he is appearing in the capacity of one of the nominated counsel for the High Court and as a member of the Delhi High Court Bar Association who had brought the above information to the notice of Hon'ble the Chief Justice vide letter dated 23.10.2018. It is

submitted by learned counsel that the said documents/material are nothing but an attempt to scandalise the Court, obstruct the judicial process and is patently contemptuous.

4. We have perused the documents placed in the file and are satisfied that there exists a *prima facie* case for issuance of notice for criminal contempt of Court to the author of the article/makers of the statements and those who are responsible for making/uploading the video levelling scandalous allegations against a sitting Judge of this Court.

5. Mr.Rao states that he has filed a memo of parties in the Registry this morning. A copy thereof has been handed over to us. He submits that respondents No.2 named in the said memo of parties, is the owner of the website magazine '*Drishtikone*' on which the article appears that has been tweeted by the respondents No.1 and 3; respondent No.4 is the entity that has uploaded the offending video on the website of respondent No.8 and respondents No.5,6,7,9 and 10 who are the intermediaries who are in control of the platforms that have been used to tweet/re-tweet the offending article/material in question.

6. Mr.Rao further states that as there are several other unknown parties/entities who are tweeting/re-tweeting the article in question, he proposes to implead them by drawing an analogy from the John Doe order. He also seeks leave to implead the State/Government of NCT of Delhi as a respondent in this matter. Needful shall be done in the course of day.

7. On filing the amended memo of parties, issue notice to the respondents through ordinary process, speed post, courier and through electronic mode, as may be applicable. The notice shall clearly state that the

respondents shall file their replies within four weeks.

8. Mr.Rahul Mehra, Standing Counsel, (Crl.) accepts notice on behalf of the State. A complete set of the documents shall be furnished to him within two days.

9. It is further deemed appropriate to appoint Mr.Arvind Nigam, Sr Advocate as an *amicus curiae* to assist this Court in the present matter. A complete set of documents along with a copy of the CD shall be made available by the Registry to the learned *amicus curiae* along with a copy of the order passed on 25.10.2018 and today.

10. In the meantime, it is directed that immediately on receipt of a communication from Mr.Rao, Advocate and/or the Registry of this Court along with a copy of this order and the list of URL's/ weblinks as filed before this Court, and in respect whereof the aforesaid statements have been made, all the respondents shall forthwith take down/remove/block/ restrict the URL's/weblinks, in respect of the offending video and article in question. Further, the respondents shall place in a sealed cover, the particulars/identities of those persons/entities whose links/URL's are mentioned in a separate document filed by Mr.Rao under index dated 29.10.2018 and who it is stated, have uploaded the said video/article on their URL's/weblinks.

11. The State shall render all possible assistance to Mr.Rao for transmitting/intimating the order passed above to all the concerned respondents/authorities for compliance. The Registry shall also take steps to intimate the above order to the concerned respondents/authorities.

12. List on 11.12.2018.

13. *Dasti* to Mr.Rao under the signatures of the Court Master for intimating the order passed above to the respondents/authorities concerned for making compliances.

HIMA KOHLI, J.

YOGESH KHANNA, J.

OCTOBER 29, 2018

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