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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 31.10.2023***

\+ LPA 612/2023 & CM APPL.45008-09/2023

NARESH SHARMA ..... Appellant

Through: Appellant in person.

versus

UNION OF INDIA AND ORS. ..... Respondents

Through: Mr.Sanjeev Bhandari, ASC (Crl.) with Mr.Kunal Mittal, Mr.Arjit Sharma & Ms.Rishika, Advs.
Mr.Nishchay Kapoor & Mr.Satyajit Yadav, Advs. for Respondent No.9.
Mr.Rakesh Kumar, CGSC with Mr.Sunil, Adv. for UOI.

\+ LPA 613/2023 & CM.APPL.45010-11/2023

NARESH SHARMA ..... Appellant

Through: Appellant in person.

versus

UNION OF INDIA AND ORS. ..... Respondents

Through: Mr.Sanjeev Bhandari, ASC (Crl.) with Mr.Kunal Mittal, Mr.Arjit Sharma & Ms.Rishika, Advs.
Mr.Rakesh Kumar, CGSC with Mr.Sunil, Adv. for UOI.

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CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T ***(oral)***

1. The appellant has preferred these appeals against the judgment dated 20.07.2023 passed by learned Single Bench of this Court in W.P.(Crl.) 1797/2023, W.P.(Crl.) 1798/2023 & W.P.(Crl.) 1809/2023 seeking setting aside thereof. The appellant had interalia made the following prayers:-

> *"a. set aside judgment dated 20.7.2023 in W.P. (Crl) 1797/2023;*
> *b. criminally charge the Single Bench for a meaningless, defamatory, criminal, seditious judgment on such an important issue under IPC 124A, 166A(b), 167, 192, 193, 217, 405, 409, 499, 500, and Section 16 of Contempt of Courts Act, 1971 (70 of 1971), and give her death penalty considering that such blatant trampling of fundamental rights in Constitution of India by a High Court Judge in performing her duty if not punished in the strictest sense could be understood by other Judges to destroy with impunity the Judicial system of this country from*

within;
c. take cognisance of the additional affidavits with diary numbers: 1130202/2023 and 1330905/2023 filed with the W.P. (Crl) 1797/2023;
d. to take into account all the prayers in the W.P. (Crl) 1797/2023 read along with the additional affidavit with diary number: 1130202/2023;
e. to take steps for the criminal prosecution of all the Respondents;
f. to take steps for complete obliteration of Respondent Nos.5-7, their henchmen within the Government of India including the super-Telgi fake Form scamsters helping the Tatas in various Ministries, Public Servants in the governing bodies of Respondent No.8, and other criminals within the Government of India such as in Central Information Commission and Department of Personnel & Training who may not be overtly connected to Tatas but whose criminal documents or defamatory documents attributed to the Appellant may have caused this criminal situation to blow up, amounting to their criminal prosecution in the strictest terms including death penalty, rigorous imprisonment, and solitary confinement, confiscation of their properties, especially Tatas, to recover the huge loss to this country."

2. When the afore-captioned LPAs came up for hearing on 31.08.2023 before the Hon'ble Division Bench-I, the Court noted the objectionable and shocking allegations against the learned Single Bench, Government officials as well as the Hon'ble Supreme Court, which are detailed as under:-

"(i) Averments seeking criminal action against the learned Single Judge, at page 22 of the appeal, as under:

"...Since Article 14 of Constitution of India does not allow mixing unrelated things, hence, the Single Bench should be criminally charged and he has approached the Tilak Marg Police Station, New Delhi with a complaint on 11.8.2023 provided in Annexure "A-3" arguing that Judicial immunity does not apply."

[Emphasis Supplied]

(ii) Aspersions being cast on the impugned judgment, at pages 23, 24, 26 and 32 of the appeal, as under:

"The Appellant states that the summary of the Petition provided in Points 6-16 of the judgment captures the essential arguments although not worded precisely and the legal connection between the Respondent Nos.5 & 6 and Respondent No.7 is not emphasised in terms of promoter group, ignoring the subjective terms used by the Single Bench rather than focussing on a cold application of the law."

"6. Considering the previous two points, the Appellant has been very surprised that the judgment went against him and he cannot think of any other possibility than that the Single Bench did not apply her mind in passing the judgment. The judgment is also ambiguously worded where the clear reasons for rejection of the Petition are not given and instead there is a forcible fit of a frivolous, vexatious Petition strongly indicative of a lack of focus on the legal merits of the Petition."

"If the dismissal of the Petition is because of Points 31-32 of the judgment on what rights have been infringed, then the Appellant does not recall this point being discussed in detail, the entire proceedings lacked focus, and in this unfocussed

proceeding, such focussed points are added in the judgment as if to justify a wrong judgment by making him appear unable to answer this question.

The video recording of the Court proceedings can be examined to check the veracity of the above claim."

"9. When the Point 52 of the judgment says:

Moreover, the petitioner has merely averred, once or twice in the petition, that the rights of employees, working in the companies or organisation of respondent no. 7-8, are regularly violated.

the Appellant does not recall that he ever talked about the rights of employees working in Tata companies, which should be checked by video recording, and he requests the Hon'ble Court to consider this as a mischievous phrase even if used as an unforced option."

"The figures of criminal mining from these States when seen as a percentage of their Gross Domestic Product is highly alarming considering also their position in terms of per capita indicators as mentioned in the same addendum, and hence, the said remark in the judgment is callous both legally as well as in terms of the very human situation in these States."

[Emphasis Supplied]

(iii) Allegations of criminal defamation against the learned Single Judge, at page 25 of the appeal, as under:

"The Appellant is very surprised at the meaningless level of the argument considering that his legal issue with TIFR is no proof that he is doing anything improper by filing a Writ

Petition (Criminal) addressing a very big criminal situation concerning the Tatas. The Appellant would like to press for criminal defamation charges under IPC 499 and 500 against anyone who made such a statement, and appropriate action against the Single Bench for putting it in the judgment without clarifying what point of law is involved. Furthermore, it was not proved that he would not raise these issues if had a different experience at TIFR."

[Emphasis Supplied]

(iv) Reference to his prayer in the underlying writ petition for punishment of death penalty by a firing squad for purported criminals, who are officials of government bodies, at page 30 of the appeal, as under:

"... The Appellant asks this Hon'ble Court should the crux of the Petition be ignored but his outrage that the criminals be shot by a firing squad be selectively picked to show that he does not know the law or that he is asking the Court to legislate? Once again, the Counsels from the opposite side had no meaningful arguments whatsoever."

[Emphasis Supplied]

(v) Further allegations against the learned Single Judge and the impugned judgment, at pages 33, 34, 35, 36 and 37 of the appeal, as under:

"21. In response to Point 52 of the judgment, Points 50, 58, 59, and 60 of the Petition and the Annexures mentioned therein contain evidence that the rights of the employees in many Tata-run public organisations have been trampled by imposing slave conditions, which draw inspiration from the feats of the Gulzarilal Nanda Ministry of Home Affairs in the 1960s. It is hard to ignore this evidence unless the Single Bench

did not properly read the Petition."

"The judgment is not just baseless but also defamatory, and provides reasons for strict action against the Single Bench."

"one is very surprised that the higher level of Judiciary, such as this Hon'ble Court, would call a fundamental right as "valuable" right thereby openly saying that fundamental right being honoured is a luxury, which is a seditious statement no matter what the ground realities are."

"The Appellant states that the ethical grounds concerning a criminal, incorrect judgment stealing Article 14 from him on such an important Petition affecting the right of the people of this country to live properly suffocated by such a large criminal situation created by the Government and Tatas apply on the Single Bench and not him."

"Many of these criminal methods have been applied by Justice Sharma in her judgment who also stole the Appellant's Article 14."

"it must have taken a lot of insensitivity for Justice Sharma if she understood the Petitions to write this line ignoring that the institutions of national importance, Tata-run public organisations, Tata companies are criminal, and Delhi Police en masse has given criminal, improper replies, while she did not give enough time to the Appellant to present his case in the hearing and then inserted lies in the judgment that he was given sufficient time."

"the Appellant states most humbly that it is the Single Bench that has abused the process of law by forcibly fitting the Petition into fixed categories."

"The Single Bench should be charged for criminal defamation under IPC 499 and 500 for making the aforesaid false, defamatory statement."

"In particular, considering that the summary of the Petition provided in Points 6-16 of the judgment is nearly correct but the judgment is incorrect, IPC 77 does not apply because it cannot be said that the judgment was given by the Single Bench "in the exercise of any power which is, or which in good faith he believes to be, given to him by law", and Judges (Protection) Act, 1985 (59 of 1985) does not apply because it cannot be said that the judgment was given by the Single Bench "in the course of, acting or purporting to act in the discharge of his official or judicial duty or function". Hence, the Judicial immunity does not apply to the Single Bench who must be prosecuted considering also the extreme importance of the matter for the country.

"The first sentence is in a stark contrast with terming the Petitions as an "abuse of process of law" in Point 101 of the judgment. Concerning the second sentence, the Appellant does not recall this point being discussed, which should be cross-checked by video recording because the judgment is outrageously criminal and wrong, it is possible that the Single Bench could try to escape punishment by using this false claim, and he has asked the Police to consider applying IPC 192 and 193 on Justice Sharma. Clearly, if it was merely confirmed that he would represent himself, then that does not amount to the above quoted sentence with mischievous connotations.

The Appellant requests the Hon'ble Court that there should be an exemplary punishment given to the Single Bench because not only is the judgment

wrong and defamatory, it could have the aforesaid escape mechanism to evade punishment if he were to not rebut it."

[Emphasis Supplied]

(vi) Averments against the Hon'ble Supreme Court, at page 40 of the appeal, as under: "There is also an extreme Constitutional situation. Consider the following line from Maneka Gandhi v. Union of India [1978] 1 SCC 248: I have no doubt that, in what may be called "unoccupied" portions of the vast sphere of personal liberty, the substantive as well as procedural laws made to cover them must satisfy the requirements of both Articles 14 and 19 of the Constitution. One might have derived pleasure reading such well-thought of lines from the Hon'ble Supreme Court but for the fact that by 1978, the theft of Articles 14 and 19 from the Government employees by the Gulzarilal Nanda Ministry of Home Affairs was 13 years old as per Point 50 of the Petition, institutionalised in at least 3 Tata-run organisations, illustrating a wide chasm of crime between the nuanced pronouncements of Judiciary and butchery of the law by Executive, primarily Delhi-based right under the nose of this Hon'ble Court and Hon'ble Supreme Court."

[Emphasis Supplied]

(vii) Allegations against the learned Single Judge in the grounds of the appeal, at pages 45 and 48, as under:

"(b) That the Single Bench stole the Appellant's fundamental right under Article 14 of the Constitution of India and lied in her judgment that he was heard at length."

"39. The Appellant states that he cannot say without proof that this judgment, which stole his

fundamental right under Article 14 of Constitution of India, was written by the devil but he wonders if it could be written by anyone who is not verily the devil incarnate."

[Emphasis Supplied]

(viii) A prayer against the learned Single Judge that is common to three appeals, at pages 48 and 49, as under:

"(b) criminally charge the Single Bench for a meaningless, defamatory, criminal, seditious judgment on such an important issue under IPC 124A, 166A(b), 167, 192, 193, 217, 405, 409, 499, 500, and Section 16 of Contempt of Courts Act, 1971 (70 of 1971), and give her death penalty considering that such blatant trampling of fundamental rights in Constitution of India by a High Court Judge in performing her duty if not punished in the strictest sense could be understood by other Judges to destroy with impunity the Judicial system of this country from within;"

[Emphasis Supplied]"

3. The Division Bench-I, while taking note of aforesaid serious allegations raised by the appellant, sought his explanation in the Court and observed that *the Court cannot disregard vilification of this magnitude against a judge of this Court and the Hon'ble Supreme Court and a fine line of distinction has to be drawn which separates critique from allegations fuelled by disdain and a hostile intent to scandalize the Court.* Accordingly, the Division Bench-I directed issuance of show cause notice against the appellant as per aforenoted provisions of law.

4. This Court in CONT.CAS.(CRL) 10/2023, CONT.CAS.(CRL)

11/2023 & CONT.CAS.(CRL) 12/2023 titled as *"Court On Its Own Motion vs. Naresh Sharma"* has considered the order passed by the learned Single Judge, averments made in the writ petitions and the averments made in the present appeals and held the appellant guilty of Contempt of Courts Act, 1971.

5. In view of the scandalous and demeaning allegations made by the appellant, we find no substance even to issue notice and these appeals are, accordingly, dismissed in *limine* being non-maintainable as well as devoid of merit.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

OCTOBER 31, 2023/ab