



111

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CROCP-6-2026
Date of decision: 06.05.2026

COURT ON ITS OWN MOTION

...Petitioner

VERSUS

JYOTI MALHOTRA AND OTHERS

...Respondents/Contemnors

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- None.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a Criminal Contempt Petition which has been listed before this Court on the basis of *suo motu* cognizance taken by the learned Single Judge.

2. We have gone through the order passed by the learned Judge dated 11.04.2026, wherein it was observed that the matter pertained to two petitions i.e. *CRM-M-47941-2024*, titled as *Charanjit Sharma versus State of Punjab* and *CRM-M-17867-2025*, titled as *Paramraj Singh Umaranangal versus State of Punjab*, which were filed seeking transfer of trial from the Sessions Court, Faridkot to the Court of competent jurisdiction at U.T., Chandigarh in respect of two FIRs, which are also mentioned in the aforesaid order. The learned Judge observed that these petitions were taken up together for final hearing on 09.04.2026 and the order was dictated in the Court which was not signed as yet



but news items were published in the columns of The Tribune, The Hindustan Times and The Times of India, Chandigarh editions on the next day i.e. 10.04.2026 reporting that the High Court has transferred the trial of these cases to Chandigarh. Photocopies of the said news items were also enclosed as Annexures A, B and C.

3. The learned Judge was of a *prima facie* view that an attempt has been made to overreach the Court and to interfere with the administration of justice. It was therefore recorded in the aforesaid order that the matter be treated as a contempt petition against the Editors-in-Chief/Editors of the concerned newspapers as well as the Reporters of the news items and this is how the present case was listed as Criminal Contempt Petition and is now before us.

4. We have also perused the publications made in the different newspapers on the next day i.e. 10.04.2026, wherein it was reported in the aforesaid newspapers that the High Court has shifted Kotkapura FIRs to Chandigarh.

5. We have also perused the judgment passed by the learned Judge in the aforesaid two petitions i.e. *CRM-M-47941-2024* and *CRM-M-17867-2025*, which were decided by way of a common judgment dated 09.04.2026.

6. A perusal of the aforesaid would show that two petitions were decided together, in which the relief sought was for transfer of trial of the FIRs from the Sessions Court, Faridkot to the Court of competent jurisdiction at U.T., Chandigarh. The two FIRs i.e. FIR No.129 dated 07.08.2018 as well as FIR No.192 dated 14.10.2015, which find mention in the order passed by the learned Judge in the present reference order, were in fact



transferred by way of the aforesaid common order from Faridkot to Chandigarh.

7. In this way, the reporting made in the newspapers cannot be termed as incorrect because as per the reporting in the newspapers by way of publication, it has been so stated that the trial has been transferred from Faridkot to Chandigarh and a perusal of the aforesaid judgment would show that in fact it has been so transferred and therefore, we find no falsehood in the publication.

8. The issue as to whether after the judgment is dictated in open Court and before it is signed, it could have been published in the newspapers or not and whether it would amount to contempt of Court in light of the provisions of the Contempt of Courts Act, 1971, needs consideration. The relevant provision of the Contempt of Courts Act, 1971 is reproduced as under:-

“4. Fair and accurate report of judicial proceeding not contempt.—Subject to the provisions contained in section 7, a person shall not be guilty of contempt of court for publishing a fair and accurate report of a judicial proceeding or any stage thereof.”

9. A perusal of the aforesaid provision would show that a person shall not be guilty of contempt of Court for publishing judicial proceeding if the same is fairly and accurately reported. In the present case, as observed above, the reporting made in the newspaper was in fact fair and accurate and therefore, would not constitute as contempt of Court in light of the aforesaid provision.

10. The law in this regard also has to be considered as to what is the effect and nature of a judgment or an order which has been dictated in the open Court. In this regard, we would draw guidance from the law laid down by



Hon'ble Supreme Court from the year 1953 onwards. In *Surendra Singh and others versus State of U.P., 1954 AIR Supreme Court 194*, it was held that a judgment is the final decision of the Court intimated to the parties and to the world at large by formal "pronouncement" or "delivery" in open Court. It is a judicial act which must be performed in a judicial way. Small irregularities in the manner of pronouncement or the mode of delivery do not matter but the substance of the thing must be there that can neither be blurred nor left to inference and conjecture nor can it be vague. The manner in which it is to be recorded, the way in which it is to be authenticated, the signing and the sealing, all the rules designed to secure certainty about its content and matter can be cured but not the hard core, namely the formal intimation of the decision and its contents formally declared in a judicial way in open Court. The exact way in which this is done does not matter. It was further observed that in some Courts, the judgment is delivered orally or read out, in some only the operative portion is pronounced, in some the judgment is merely signed after giving notice to the parties and laying the draft on the table for a given number of days for inspection. It was also observed that the decision which is so pronounced or intimated must be a declaration of the mind of the Court as it is at the time of pronouncement. The mode or manner of delivery, as that is not of the essence, except to say that it must be done in a judicial way in open Court. However, when it is done, it must be an expression of the mind of the Court at the time of delivery. It was further held that the final operative act is that which is formally declared in open Court with the intention of making it the operative decision of the Court and that is what constitutes the "judgment". Hon'ble Supreme Court



further held in the aforesaid judgment that as soon as the judgment is delivered, that becomes the operative pronouncement of the Court and the law then provides for the manner in which it is to be authenticated and made certain. The rules regarding this differ but they do not form the essence of the matter and if there is irregularity in carrying them out, it is curable and thus, if a judgment happens not to be signed and is inadvertently acted on and executed, the proceedings consequent on it would be valid because the judgment, if it can be shown to have been validly delivered, would stand good despite defects in the mode of its subsequent authentication. The relevant portions of the aforesaid judgment contained in paragraphs No.10, 11, 14 and 15 are reproduced as under:-

“10. In our opinion, a judgment within the meaning of these sections is the final decision of the Court intimated to the parties and to the world at large by formal "pronouncement" or "delivery" in open Court. It is a judicial act which must be performed in a judicial way. Small irregularities in the manner of pronouncement or the mode of delivery do not matter but the substance of the thing must be there; that can neither be blurred nor left to inference and conjecture nor can it be vague. All the rest - the manner in which it is to be recorded, the way in which it is to be authenticated, the signing and the sealing, all the rules designed to secure certainly about its content and matter - can be cured; but not the hard core, namely the formal intimation of the decision and its contents formally declared in a judicial way in open Court. The exact way in which this is done does not matter. In some Courts the judgment is delivered orally or read out, in some only the operative portion is pronounced, in some the judgment is merely signed after giving notice to the parties and laying the draft on the table for a given number of days for inspection.

11. An important point therefore arises. It is evident that the decision which is so pronounced or intimated must be a declaration of the mind of the Court as it is at the time



of pronouncement. We lay no stress on the mode or manner of delivery, as that is not of the essence, except to say that it must be done in a judicial way in open Court. But however it is done it must be an expression of the mind of the Court at the time of delivery. We say this because that is the first judicial act touching the judgment which the Court performs after the hearing. Everything else up till then is done out of Court and is not intended to be the operative act which sets all the consequences which follow on the judgment in motion. Judges may and often do, discuss the matter among themselves and reach a tentative conclusion. That is not their judgment. They may write and exchange drafts. Those are not the judgment either, however heavily and often they may have been signed. The final operative act is that which is formally declared in open Court with the intention of making it the operative decision of the Court. That is what constitutes the "judgment".

xxx-xxx-xxx-xxx

14. As soon as the judgment is delivered, that becomes the operative pronouncement of the Court. The law then provides for the manner in which it is to be authenticated and made certain. The rules regarding this differ but they do not form the essence of the matter and if there is irregularity in carrying them out it is curable. Thus, if judgment happens not to be signed and is inadvertently acted on and executed, the proceedings consequent on it would be valid because the judgment, if it can be shown to have been validly delivered, would stand good despite defects in the mode of its subsequent authentication.

15. After the judgment has been delivered provision is made for review. One provision is that it can be freely altered or amended or even changed completely without further formality, except notice to the parties and a rehearing on the point of change should that be necessary, provided it has not been signed. Another is that after signature a review properly so-called would lie in civil cases but none in criminal; but the review, when it lies, is only permitted on very narrow grounds. But in this case the mere fact that a Judge is dead and so cannot review his judgment does not affect the validity of the judgments which has already been delivered and has become effective. For this reason, there is a distinction between judgments which have



not been delivered and so have not become operative and those which have. In the former case, the alteration is out of Court. It is not a judicial act. It is only part of a process of reaching a final conclusion; also there is no formal public declaration of the Judges' mind is open Court and consequently there is no 'Judgment' which can be acted upon. But after delivery the alteration cannot be made without notice to the parties and the proceedings must take place in open Court, and if there is no alteration there is something which is final and conclusive and which can at once be acted upon. The difference is this. In the one case, one cannot know, and it would be against public policy to enquire, whether the draft of a judgment is the final conclusion of the Judge or is only a tentative opinion subject to alteration and change. In the second case, the Judge has publicly declared his mind and cannot therefore change it without hearing them afresh when that is necessary; and there is no change the judgment continues in force. By change we mean an alteration of the decision and not merely the addition or subtraction of part of the reasoning."

xxx-xxx-xxx-xxx

11. In **Vinod Kumar Singh versus Banaras Hindu University and others, 1988 AIR Supreme Court 371**, Hon'ble Supreme Court referred to the aforesaid judgment in **Surendra Singh's case (Supra)** and observed that as soon as the judgment is delivered that becomes the operative pronouncement of the Court. That would mean that the judgment to be operative does not await signing thereof by the Court.

12. In **Kushalbai Ratanbhai Rohit versus State of Gujarat, 2014 (9) SCC 124**, Hon'ble Supreme Court while referring to the earlier judgment in **Iqbal Ismail Sodawala versus State of Maharashtra, 1975 (3) SCC 140** as well as the judgment in **Surendra Singh's case (supra)** observed that in those cases also the Court had taken the view that the judgment is the final decision of the Court intimated to the parties and the world at large.



13. In the present case, the learned Judge by way of the reference order dated 11.04.2026, on the basis of which the present case was listed as a Criminal Contempt Petition so recorded in paragraph No.2 that the aforesaid petitions were taken up together for final hearing on 09.04.2026 and the order was dictated in the Court but has not yet been signed. Paragraphs No.2 and 3 of the aforesaid reference order dated 11.04.2026 are reproduced as under:-

“2. These petitions were taken up for final hearing together on 09.04.2026, and the order was dictated in Court which has not been signed as yet. However, news items were published in the columns of The Tribune, the Hindustan Times and The Times of India, Chandigarh editions, dated 10.04.2026, that the High Court has transferred the trial of these cases to Chandigarh; photocopies of these three news items are enclosed as Annexures A, B and C, respectively.

3. Apparently, the news concerning these cases has been published without any basis, which prima facie appears to be an attempt to overreach the Court and interfere with the administration of justice.”

xxx-xxx-xxx-xxx

14. It is therefore clear that the judgment was dictated in open Court on 09.04.2026 and on next day i.e. 10.04.2026, various newspapers published the same, in which it was so stated that the trial has been transferred from the Sessions Court, Faridkot to the Court of competent jurisdiction at U.T., Chandigarh. The contents of the aforesaid newspaper publications were not false and rather they were correct.

15. Considering the law laid by Hon’ble Supreme Court in the aforesaid judgments to the effect that once there is a formal “pronouncement” in open Court, it becomes a judgment in operation, we are therefore of the considered view that the action on the part of the aforesaid



newspapers/Editors-in-Chief/Editors/Reporters cannot be termed as criminal contempt.

16. In view of the above, no further orders are required to be passed in the present Criminal Contempt Petition and therefore, the same is hereby dismissed.

17. Miscellaneous applications, if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

06.05.2026
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No