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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL CONTEMPT PETITION NO.5 OF 2025

BETWEEN:

NEW SPACE RESEARCH AND TECHNOLOGIES PVT. LTD.
A COMPANY INCORPORATED
UNDER THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT:
2ND FLOOR, GV TOWERS
SAHAKAR NAGAR
SANJEEVINI NAGAR
BENGALURU-560 092
KARNATAKA
REPRESENTED BY ITS AUTHORISED SIGNATORY
JULIUS SOMOJIT AMVIT.

... COMPLAINANT

(BY SRI ANGAD KAMATH, ADVOCATE)

AND:

1. MR. PRABHAT SHARMA
AGED ABOUT 48 YEARS
S/O. MR. SHISHU PAL SHARMA.
2. MRS. GARIMA SHARMA
W/O. MR. PRABHAT SHARMA
AGED ABOUT 43 YEARS.

RESPONDENT NOS.1 AND 2 ARE
RESIDING AT NO.L-58
SECTOR 11, NOIDA
GAUTHAM BUDDHA NAGAR
UTTAR PRADESH-201 301.

3. MS. RANU SHARMA, IPS
AGED MAJOR
ADCP TRAFFIC
(JAIPUR SOUTH COMMISSIONERATE)
KING EDWARD MEMORIAL (YADGAR)
AJMERI GATE, M.I. ROAD
JAIPUR-302 001.

4. MR. TANVIR
S/O. LATE ABDULREHMAN
AGED ABOUT 47 YEARS
ASSISTANT COMMISSIONER OF POLICE (ACP)
CEN POLICE STATION, NORTH EAST DIVISION
RESIDING AT NO.B.A-59
PWD QUARTERS
KHB COLONY MAIN ROAD
R.T. NAGAR POST
BENGALURU-560 032.

... ACCUSED

(BY SMT. KAVITHA DAMODARAN, ADVOCATE, FOR A-1 TO A3, &
SRI RAHUL KRISHNA REDDY P., ADVOCATE, FOR A-4)

* * *

THIS CRIMINAL CONTEMPT PETITION IS FILED UNDER ARTICLE 215 OF THE CONSTITUTION OF INDIA AND SECTION 15 OF THE CONTEMPT OF COURTS ACT, 1971, READ WITH RULE 3 OF THE KARNATAKA HIGH COURT (CONTEMPT OF COURT PROCEEDINGS) RULES, 1981, PRAYING TO TAKE SUO-MOTU COGNIZANCE AND INITIATE CRIMINAL CONTEMPT PROCEEDINGS AS AGAINST ACCUSED NOS.1 TO 4 UNDER ARTICLE 215 OF THE CONSTITUTION OF INDIA AND SECTIONS 2(c), 10, 12, AND 15 OF THE CONTEMPT OF COURTS ACT, 1971, FOR DELIBERATE AND WILFUL DISOBEDIENCE OF THE ORDER DATED 6-12-2024 PASSED BY THIS HON'BLE COURT IN WRIT PETITION NO.32999 OF 2024, AND TO PUNISH AND CONVICT THE ACCUSED AND SENTENCE THEM TO IMPRISONMENT AND FINE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTEMPT OF COURTS ACT, 1971.

THIS CRIMINAL CONTEMPT PETITION HAVING BEEN HEARD AND RESERVED ON 02.06.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **VENKATESH NAIK T. J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

This criminal contempt petition is filed under Article 215 of the Constitution of India, 1950, read with Sections 2(c), 10, 12 and 15 of the Contempt of Courts Act, 1971, seeking initiation of contempt proceedings against accused Nos.1 to 4.

2. I.A. No.1 of 2026 is filed under Section 15(1) of the Contempt of Courts Act, 1971, to recall the order dated 24.02.2026 overruling the office objection raised on maintainability of the petition.

3. In view of the preliminary objection raised to the maintainability of this petition alleging that the accused had committed criminal contempt of this Court and praying for taking suitable action against them, the following question of law arises for our consideration:

i. Whether the Criminal Contempt of Court case filed seeking to take action against an alleged contemnor without the consent of the Advocate General is maintainable?

4. Sri Dhananjaya Joshi, learned senior counsel for the accused, has contended that the petition required the prior

consent of the Advocate General of Karnataka. Earlier, the Registry had raised objection with regard to maintainability of the petition on the ground that the Advocate General's consent was not forthcoming and hence, the issue of maintainability of the petition was kept open. In fact, the Advocate General has neither granted, nor denied consent, and the complainant is seeking *suo motu* cognizance of this petition. On 24.02.2026, this Court has overruled the office objection on maintainability of the petition and directed issuance of notice to the respondents. The learned counsel appearing for the accused submits that without taking *suo motu* cognizance of the petition, this Court could not have overruled the office objections on maintainability of the petition, in the absence of the Advocate General's consent. Further, there is no order of this Court on the administrative side permitting the consideration of the petition. There is also no order of the Court recording at least a *prima facie* finding that the alleged actions/conduct of the respondents/accused may tantamount to criminal contempt. Further, the petition has been filed by a private party without obtaining the prior consent of the Advocate General, which is a condition precedent for initiation of criminal contempt proceedings. The requirement of obtaining

the Advocate General's prior consent is not a mere procedural formality, but a substantive safeguard intended to prevent abuse of the contempt jurisdiction. Further, the issue of compliance with requirements of Section 15 of the Contempt of Courts Act, 1971, goes to the very root of the petition. In the absence of compliance with the mandatory statutory requirements, the petition itself is not maintainable and therefore, the question of issuing notice to the respondents would not arise. Therefore, it is contended that this Court could not have proceeded to overrule the objection on maintainability without ensuring compliance with the statutory mandate and the principles laid down by the Hon'ble Apex Court. Therefore, the learned counsel for the accused prays to recall the order dated 24.02.2026 and to dismiss the contempt petition.

5. In support of his contentions, the learned counsel for the accused has relied on the following decisions:

- i. P.N. Duda v. P. Shiv Shanker and others reported in (1988) 3 SCC 167, and*
- ii. Bal Thackrey v. Harish Pimpalkhute and others reported in (2005) 1 SCC 254.*

6. On the contrary, Sri Angad Kamath, learned counsel for the complainant, has filed objections to the interlocutory

application seeking recall of the order dated 24.02.2026 stating that the application is wholly misconceived, untenable in law and liable to be rejected *In Limine*. The accused/applicants proceed on a fundamentally erroneous assumption that the contempt proceedings are a private motion within the meaning of Section 15(1)(b) of the Contempt of Courts Act, 1971, and that, in the absence of prior consent of the Advocate General, the petition itself is non-maintainable. The assumption is wrong both on the scheme of the Contempt of Courts Act, 1971, and on the express language of the High Court of Karnataka (Contempt of Court Proceedings) Rules, 1981. In fact, the present petition is not a private motion seeking initiation of contempt proceedings on the strength of any supposed right vested in the complainant. The contempt petition merely places before this Court the material facts, documents and information disclosing acts, which according to the complainant, call for consideration by this Court in exercise of its contempt jurisdiction. The source of jurisdiction invoked is not the complainant's motion, but the constitutional and inherent jurisdiction of this Court under Article 215 of the Constitution of India read with Section 15 of the Contempt of Courts Act, 1971.

7. It is further contended that entire edifice of the accused case collapses upon a plain reading of Rule 5(v) of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981. Rule 5(v) of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981, requires the complainant, in a case of criminal contempt, to state whether consent of the Advocate General has been obtained, expressly preserves the power of the Court to take action *suo motu* on the basis of the information disclosed. The Rule is significant for two reasons. Firstly, it recognises that what may trigger *suo motu* action is the information disclosed. Secondly, it does not limit the mode by which such information may reach the Court. Therefore, the Rules do not say that information must come only by way of newspaper report, letter or administrative reference. Information may reach the Court in any legally recognised form, including through the medium of a formal petition, as in the present case.

8. It is contended that the distinction becomes clearer on a conjoint reading of Rule 5 along with Rule 7 of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981. Rule 7 of the High Court of Karnataka (Contempt of Court

proceedings) Rules, 1981, specifically deals with initiation of proceedings on information other than a petition or a reference. It is only such information, namely information disclosed otherwise than by a petition or reference, that is required in the first instance to be placed before Hon'ble the Chief Justice on the administrative side. The necessary consequence is that where information is already disclosed through the medium of a petition or reference, the matter does not fall within the purview of Rule 7(i) of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981.

9. It is contended that the consent of the Advocate General is relevant where the Court is invited to act on a private motion under Section 15(1)(b) of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981. Thus, it has no application where the Court acts on its own motion upon information placed before it. The present petition is of the latter category. The petition is merely the vehicle through which information reaches this Court and it is not the source of the Court's power. This position is no longer open to a serious debate in view of the decision of the Hon'ble Apex Court in the case of ***Prashant Bhushan and another*** reported in ***(2021) 1 SCC 745***, wherein information regarding the alleged

contempt reached the Court through a petition filed by a private person. The objection was specifically advanced stating that, since the initiation was at the instance of a private party and no consent of the Advocate General was obtained, *suo motu* contempt could not be proceeded with, the Hon'ble Apex Court rejected the objection and made it clear that a petition by a private person may constitute the source of information, while cognizance may yet be taken by the Court *suo motu* in exercise of its own constitutional power. The said ratio is directly applicable to the case on hand. Thus, the accused cannot reintroduce through the back door, a limitation, which the Hon'ble Apex Court has already repelled.

10. In support of his contentions, the learned counsel for the complainant has relied on the following decisions:

- i. Prashant Bhushan and Another v. Alleged Contemnor in Suo Motu Contempt Petition (Crl.) No.1 of 2020,*
- ii. S.N. Nagaraja Rao v. Chikkachennappa and Others in C.C.C. (Criminal) No.4 of 1978,*
- iii. Timex Group India Limited and Another v. Mahesh Kumar and Others in Cont.Cas.(Crl) 2 of 2017,*

- iv. *Court on its own motion v. Rajesh Girothiya and Others in Cont.Cas.(Crl.) 4 of 2024,*
- v. *GE Motors India Pvt. Ltd. v. Mukesh Kumar reported in 2005 SCC OnLine Del 915, and*
- vi. *Advocate-General of Andhra Pradesh v. Chennamsetty Chakrapani and Others in Contempt Case No.741 of 1995.*

11. We have heard the learned counsel for the complainant/petitioner and the learned senior counsel for the accused/respondents. Perused the material available on record and the decisions cited supra.

12. The complainant has filed a suit against accused Nos.1 and 2 and other persons in Original Suit No.8367 of 2024 for perpetual injunction, restraining the defendants, their agents, contractors, their employees, partners or any other person/entity claiming through or under the defendants from directly or indirectly copying, sharing or using in any manner the confidential/proprietary information/material belonging to the complainant, *inter alia*, as referred to in the Forensic Investigation Report.

13. Along with the plaint, I.A. Nos.3 and 4 were filed under Order XXVI, Rules 1 and 9 read with Section 151 of the

CPC praying to grant an *ex parte* interim order to appoint the Court Commissioner.

14. Regarding I.A. Nos.3 and 4, the trial Judge, by order dated 29.11.2024, refused to pass *ex parte* order, but issued emergent notice on I.A. No.3 and in so far as I.A. No.4 is concerned, failed to pass any speaking order. Being aggrieved by the order dated 29.11.2024, the complainant filed Writ Petition No.32999 of 2024 before this Court. On 06.12.2024, this Court passed an *ex parte* order appointing the Court Commissioner to carryout search and seizure of the operation of the date storage media, files, folders, documents etc. in the premises of the accused/respondents and directed the Commissioner to execute the warrant for seven days between 20.12.2024 and 28.12.2024 and to submit a report to this Court on 06.01.2025. Both accused Nos.1 and 2, declined to obey the statutory warrant, creating a stand up situation in which the Court Commissioner and his team were effectively kept outside the property in contravention of this Court's explicit directives. Immediately, after these events, the Court Commissioner documented the incident in detail. In accordance with this Court's order, the Commissioner prepared a formal report dated 01.06.2025. In his report, the Commissioner

recounted the sequence of events chronologically, listing the obstacles encountered at each step. The said Commissioner's report was placed before this Court in Writ Petition No.32999 of 2024 and this Court without expressing any opinion on the merits of the Court Commissioner's report, by order dated 29.01.2025, was pleased to dispose of the writ petition directing the learned trial Judge to pass appropriate orders on the Court Commissioner's report in accordance with law.

15. In this regard, the complainant filed this contempt petition to take action. Soon after initiation of the petition, notice was ordered and insofar as maintainability of the petition is concerned, it was overruled on 24.02.2026. Accordingly, notice was issued to the accused. In this petition, I.A. No.1 of 2026 is filed seeking recall of the order dated 24.02.2026. Learned counsel for the accused disputed that the contempt petition is not maintainable in the present form as requirement of Advocate General's consent has not been obtained. Hence, it is just and necessary to quote Section 15 of the Contempt of Courts Act, 1971, which specifies how criminal contempt is to be taken cognizance of. It will be useful to set out here the relevant portions of this section:

"15. Cognizance of criminal contempt in other cases-

(1) In the case of a criminal contempt, other than a contempt referred to in Section 14, the Supreme Court or the High Court may take action on its own motion or on a motion made by-

(a) the Advocate-General, or

(b) any other person, with the consent in writing of the Advocate-General, or

(c) in relation to the High Court for the Union Territory of Delhi, such law officer as the Central Government may, by notification in the official Gazette, specify in this behalf, or any other person, with the consent in writing of such law officer."

According to the above provisions, action for 'criminal contempt' of the High Court can be initiated - (1) by the High Court on its own motion; or (2) on a motion made by the Advocate-General; or (3) on a motion made by any other person with the consent of the Advocate-General.

16. It is also a fact that the complainant has not secured consent of the Advocate General for presenting this petition. When the learned counsel raised a preliminary objection based on Section 15(1) of the Contempt of Courts Act, 1971, and submitted that the petition cannot be entertained by this Court

as the complainant has not secured the consent of the Advocate General, he was directed to file a memorandum raising the contention and the complainant was permitted to file a reply. Thereafter, a specific plea on the lines of the preliminary objection raised has been taken by the accused. The complainant has filed his reply, in which, he has contended that as the petition is filed under Article 215 of the Constitution for taking action against the accused for having committed criminal contempt of the order of the High Court, in exercise of its powers under that Article, consent of the Advocate General was not necessary and in any event, taking consent of the Advocate General as provided in Section 15(1) of the Contempt of Courts Act, 1971, is only directory and not mandatory.

17. Further, the jurisdiction and powers of this Court to punish any one for committing contempt of itself is derived from the provisions of the Constitution of India vide Article 215 and not from the provisions of the Contempt of Courts Act, 1971. The petition is filed under Article 215 of the Constitution of India. For exercising the power under Article 215 of the Constitution of India, consent of the Advocate General prescribed under Section 15 the Contempt of Courts Act, 1971,

is not necessary. In any event, the consent of Advocate General prescribed is only directory and not mandatory.

18. Having set out the facts of the case and the contentions urged for the parties, we shall now proceed to consider the question arising for consideration. Article 215 of the Constitution of India reads as under:

"215. Every High Court shall be a Court of record and shall have all the powers of such a court including the power to punish for contempt of itself".

19. Article 215 of the Constitution of India confers on every High Court the power to punish for contempt of itself. This power is wide enough to cover cases of *ex facie* criminal contempt as also every act or omission, which amounts to contempt of the High Court. Therefore, whether contempt of High Court alleged to have been committed by any one is of the description referred to in Section 14 or Section 15 of the Contempt of Courts Act, 1971, it is competent for the High Court to punish the alleged contemnor in exercise of its power under that Article. Such an action could be taken by the High Court under Article 215 of the Constitution of India either on its own motion on securing information in whatever manner, or on

a motion made by the Advocate General or by any other person. Consent of the Advocate General is not contemplated by the Article for a motion made by any other person.

20. The Hon'ble Apex Court in the case of ***P.N. Duda v. P. Shiv Shanker and Others*** reported in **(1988) 3 SCC 167** at paragraph No.54 has held as under:

"54. A conjoint perusal of the Act and rules makes it clear that, so far as this Court is concerned, action for contempt may be taken by the court on its own motion or on the motion of the Attorney-General (or Solicitor-General) or of any other person with his consent in writing. There is no difficulty where the court or the Attorney-General choose to move in the matter. But when this is not done and a private person desires that such action should be taken, one of three courses is open to him. He may place the information in his possession before the court and request the court to take action: (vide C.K. Daphtary v. O.P. Gupta [(1971) 1 SCC 626] and Sarkar v. Misra [(1981) 1 SCC 436]; he may place the information before the Attorney-General and request him to take action; or he may place the information before the Attorney-General and request him to permit him to move the court. In the present case, the petitioner alleges that he has failed in the latter two courses — this will be considered a little later — and has moved this "petition" praying that this Court should take suo motu action. The "petition" at this stage, constitutes nothing more than a mode of laying the relevant information

before the court for such action as the court may deem fit and no proceedings can commence until and unless the court considers the information before it and decides to initiate proceedings. Rules 3 and 4 of the Supreme Court (Contempt of Court) Rules also envisage a petition only where the Attorney-General or any other person, with his written consent, moves the court. Rule 5 is clear that only a petition moved under Rule 3(b) and (c) is to be posted before the court for preliminary hearing. The form of a criminal miscellaneous petition styling the informant as the petitioner and certain other persons as respondents is inappropriate for merely lodging the relevant information before the court under Rule 3(a). It would seem that the proper title of such a proceeding should be "In re (the alleged contemnor)" (see: Kar v. Chief Justice [(1962) 1 SCR 319] though that decision related to an appeal from an order of conviction for contempt by the High Court). The form in which this request has to be sought and considered in such cases has also been touched upon by the Delhi High Court in Anil Kumar Gupta v. K. Subba Rao [ILR (1974) 1 Del 1] . This case, at the outset, pointed out that the information had been erroneously numbered by the office of the court as Criminal Original No. 51 of 1978 and concluded with the following observations:

"The office is to take note that in future if any information is lodged even in the form of a petition inviting this Court to take action under the Contempt of Courts Act or Article 215 of the Constitution, where the informant is not one of the persons named in Section

15 of the said Act, it should not be styled as a petition and should not be placed for admission on the judicial side. Such a petition should be placed before the Chief Justice for orders in Chambers and the Chief Justice may decide either by himself or in consultation with the other judges of the Court whether to take any cognizance of the information. The office is directed to strike off the information as "Criminal Original No. 51 of 1973" and to file it."

21. Further, the Hon'ble Apex Court in the case of **Bal Thackrey v. Harish Pimpalkhute and Others** reported in **(2005) 1 SCC 254** at paragraph Nos.16 to 18, and 23 has held as under:

"16. The whole object of prescribing procedural mode of taking cognizance in Section 15 is to safeguard the valuable time of the court from being wasted by frivolous contempt petitions. In J.R. Parashar case [(2001) 6 SCC 735] it was observed that the underlying rationale of clauses (a), (b) and (c) of Section 15(1) appears to be that when the court is not itself directly aware of the contumacious conduct, and the actions are alleged to have taken place outside its precincts, it is necessary to have the allegations screened by the prescribed authorities so that the court is not troubled with frivolous matters. To similar effect is the decision in S.K. Sarkar case [(1981) 1 SCC 436] .

17. *In the light of the aforesaid, the procedure laid and directions issued in Duda case are required to be appreciated also keeping in view the additional factor of the Chief Justice being the master of the roster. In State of Rajasthan v. Prakash Chand [(1998) 1 SCC 1] it was held that it is the prerogative of the Chief Justice of the High Court to distribute business of the High Court both judicial and administrative. He alone has the right and power to decide how the Benches of the High Court are to be constituted; which Judge is to sit alone and which cases he can and is required to hear as also which Judges shall constitute a Division Bench and what work those Benches shall do.*

18. *The directions in Duda case when seen and appreciated in the light of what we have noticed hereinbefore in respect of contempt action and the powers of the Chief Justice, it would be clear that the same prescribe the procedure to be followed by High Courts to ensure smooth working and streamlining of such contempt actions which are intended to be taken up by the Court suo motu on its own motion. These directions have no effect of curtailing or denuding the power of the High Court. It is also to be borne in mind that the frequent use of suo motu power on the basis of information furnished in a contempt petition otherwise incompetent under Section 15 of the Act may render the procedural safeguards of the Advocate General's consent nugatory. We are of the view that the directions given in Duda case are legal and valid.*

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23. *In these matters, the question is not about compliance or non-compliance with the principles of natural justice by granting adequate opportunity to the appellant but is about compliance with the mandatory requirements of Section 15 of the Act. As already noticed the procedure of Section 15 is required to be followed even when petition is filed by a party under Article 215 of the Constitution, though in these matters petitions filed were under Section 15 of the Act. From the material on record, it is not possible to accept the contention of the respondents that the Court had taken suo motu action. Of course, the Court had the power and jurisdiction to initiate contempt proceedings suo motu and for that purpose consent of the Advocate General was not necessary. At the same time, it is also to be borne in mind that the courts normally take suo motu action in rare cases. In the present case, it is evident that the proceedings before the High Court were initiated by the respondents by filing contempt petitions under Section 15. The petitions were vigorously pursued and strenuously argued as private petitions. The same were never treated as suo motu petitions. In absence of compliance with the mandatory requirement of Section 15, the petitions were not maintainable."*

22. From perusal of the facts and circumstances of the case and the decisions cited supra, it appears that action for contempt is divisible into two categories, namely, that initiated *suo motu* by the Court and otherwise instituted on the Advocate General's motion or permission. The mode of

initiation in each case would necessarily be different. While in the case of *suo motu* proceedings, it is the Court itself which must initiate by issuing a notice, in other cases, initiation can only be by a party filing an application. The main issue for determination in this contempt petition is 'whether the contempt proceedings initiated against the accused is in accordance with law or not?'

23. Learned counsel for the complainant enlightened Rule 5(v) of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981, and contended that in a case of criminal contempt, the consent of Advocate General is necessary, or the Court can take action *suo motu* on the basis of the information received and the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981, do not say information must come only by way of newspaper report, letter, or administrative reference and information may reach the Court in any legally recognised form, including in the form of petition.

24. Hence, it is just and necessary to analyse Rule 3, 5(v), 7 and 8 of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981, which read as under:

Rule 3. Form of motion.-

(i) Every motion for taking action for contempt of the High Court shall be in the Form of a petition and shall be entitled "in the matter of proceeding for contempt of High Court under Article 215 of the Constitution and the Contempt of Courts Act, 1971" and

(ii) Every motion for taking action for contempt of any Court subordinate to the High Court, shall be in the form of a petition and shall be entitled "in the matter of proceeding for contempt under the Contempt of Courts Act, 1971."

Rule 5. Contents of petition.-

xxx xxx xxx

5(v). In the case of criminal contempt of the High Court other than a contempt referred to in Section 14 of the Act, the complainant shall state whether he has obtained the consent of Advocate General and if so, produce the same.

Nothing shall preclude the High Court from taking action suo motu on the basis of the information disclosed.

Rule 7. Initiation of proceedings on information.-

(i) Any information other than a petition or reference shall, in the first instance be placed before the Chief Justice in the administrative side.

(ii) If the Chief Justice or such other Judge as may be designated by him for the purpose, considers it expedient or proper to take action under the Act, he shall

direct that the said information be placed for preliminary hearing.

(iii) On such direction the matter shall be dealt with in accordance with Rule 8 treating the information as a petition.

Rule - 8. Preliminary hearing and notice.-

(i) Every petition or reference shall be posted for preliminary hearing before the appropriate Bench.

(ii) (a) The Court, if satisfied that a prima facie case has been made out, may direct issue of notice to the accused; otherwise it shall dismiss the petition or reject the reference.

(b) The notice shall be in Form 1 and shall be accompanied by a copy of the petition or reference or information, and annexures if any thereto."

25. This case, at the outset, points out that the complainant has filed the complaint under Section 15 of the Contempt of Courts Act, 1971, and Article 215 of the Constitution of India read with Rule 3 of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981, which should not be justified as a petition and should not be placed for admission on the judicial side. Such a petition should be placed before the Hon'ble Chief Justice for orders and the Hon'ble Chief Justice may decide either by himself or in consultation with the other Hon'ble Judges of this Court,

whether to take any cognizance of the information. Accordingly, the Office has raised the objections for non-compliance of these legal aspects. Whereas in this case, the said statutory requirements have not been complied with.

26. The last question that remains to be touched upon is 'whether in a case where the Advocate General is in a position to consider a request under Section 15(1)(c) of the Contempt of Courts Act, 1971, it is open to the complainant to seek the consent of the Advocate General.' Apart from the fact that, in the present case, the complainant has not approached the Advocate General on the premise that his advice is not at all necessary and it is not open to him to seek such consent, Section 15 of the Contempt of Courts Act, 1971 is quite clear that the written consent of the Advocate General as have been specifically authorised by the section, would be taken note of for entertaining a petition under the said section. But this does not, in any manner, deprive the complainant of his remedy as he can come before the Court, as indeed he has done, requesting the Court to take *suo motu* action. However, the procedure as approved by the Hon'ble Apex Court in the case of ***P.N. Duda*** (*supra*) has to be followed as there cannot be a numbering of the information given before this Court as a

Contempt of Court Case (Criminal) and the issuance of notice to the accused without following such procedure.

27. In view of the discussions made hereinabove, I.A. No.1 of 2026 is allowed. The order dated 24.02.2026, overruling the office objections raised on maintainability of the petition, is recalled.

The Registry shall treat this petition as 'information' under Rule 7 of the High Court of Karnataka (Contempt of Court proceedings) Rules, 1981, and shall place the same before Hon'ble the Chief Justice for necessary orders.

28. In the result, this criminal contempt petition is **closed** for statistical purpose.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

KVK