

ITEM NO.

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SUO MOTU CONTEMPT PETITION (CRIMINAL) NO.4 OF 2016

IN RE -

BLOG PUBLISHED BY JUSTICE MARKANDEY KATJU DATED 17TH SEPTEMBER,
2016-TITLED 'SOUMYA MURDER CASE'

SUO MOTU CONTEMPT PETITION (CRIMINAL) NO.5 OF 2016

IN RE -

BLOG PUBLISHED BY JUSTICE MARKANDEY KATJU DATED 18TH SEPTEMBER,
2016- TITLED "THE INTELLECTUAL LEVEL OF SUPREME COURT JUDGES"

Date : 11/11/2016 These petitions were called on for hearing today

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT
HON'BLE MR. JUSTICE UDAY UMESH LALIT

Present:

Mr. Justice Markandey Katju, Judge (Retd.), SCI

Mr. Mukul Rohatgi, AG

The Court made the following
O R D E R

By separate order passed today we have dismissed
Review Petition Nos. 655-656/2016 and D.No. 32189/2016 and
the Suo Motu Review Petitions in "RE -BLOG PUBLISHED BY
JUSTICE MARKANDEY KATJU ON SEPTEMBER 06, 2016 at 11.41 A.M.
(contents quoted in the Court's order dated 17.10.2016 in
R.P.D. No. 32189/2016)."

We have drawn the attention of Justice Markandey
Katju to certain statements made in two other blogs

published by him in connection with the judgment of this Court review of which had been sought in the above mentioned two review petitions and has been refused. The relevant part of the same are extracted below:

"But the statements of PW4 and PW 40 were hearsay evidence. PW4 and PW40 do not say that they themselves saw Saumya jumping off the train. And hearsay evidence is inadmissible in evidence vide Section 6 of the Indian Evidence Act, except in certain limited circumstances e.g. a dying declaration or opinion of an expert. None of those limited circumstances existed in this case. So how could the Court rely on this hearsay evidence? This was a grave error in the judgment, not expected of judges who had been in the legal world for decades. Even a student of law in a law college knows this elementary principle that hearsay evidence is inadmissible."

In RE - THE INTELLECTUAL LEVEL OF SUPREME COURT JUDGES" dated 18th September, 2016 :

"Justice Gogoi, who is in line to become the Chief Justice of India on the basis of seniority, has shown that he does not know an

elementary principle of law, namely that hearsay evidence is not admissible (see paragraph 16 of his judgment in the Soumya murder case)."

Reference to the author of the judgment must necessarily include the other members of the Bench. Prima facie, the statements made seem to be an attack on the Judges and not on the judgment.

We therefore, issue notice of contempt to show cause why contempt proceedings should not be drawn up against Justice Markandey Katju and he be appropriately dealt with.

Notice is returnable after eight weeks.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER