

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION NO. 16151 of 2014**

SUO MOTU

Versus

SAMNA BHRASHTACHAR KA NEWS PAPER & 1 other(s)

Appearance:

SUO MOTU(25) for the Applicant(s) No. 1

NOTICE SERVED(4) for the Respondent(s) No. 1,2

**CORAM: HONOURABLE THE CHIEF JUSTICE MR. JUSTICE
ARAVIND KUMAR**

and

HONOURABLE MR. JUSTICE ASHUTOSH J. SHASTRI**Date : 03/01/2022****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MR. JUSTICE ARAVIND
KUMAR)**

1. Pursuant to the order dated 08.12.2021, P.I. of Sector 21 Police Station, Gandhinagar has executed the warrant and has produced the contemnor before this Court.

2. A Communication has been addressed to this Court by the contemnor on 23.12.2021 stating thereunder that certain important information with documentary evidences from the Principal District Judge, D.G.P., Police Superintendent of Gandhinagar District and Public Information Officer of the Office of the Hon'ble the Chief Minister i.e. the First Public Representative of the State, has been sought for and after it is received, he would protect his rights by placing the same before this Court. As to what defence, the contemnor may raise is an issue will have to be examined at the appropriate stage.

3. The contemnor who is present before the Court submits

that he would speak only in Gujarati language and he will not speak in any other language. Even offer made by the Court stating that if he is unable to engage a counsel, legal aid would be provided from the Gujarat State Legal Services Authority, he insisted for the information sought for being provided and then only he would make his stand clear. We are not inclined to accept his submission for reason more than one, firstly – we will not permit the contemnor to address the Court in the language which is not understood by this Court (by the Chief Justice), and secondly, Article 348 of the Constitution of India mandates that language of the High Court would be English and as such the submission made by the contemnor cannot be accepted. That apart, it would be open for him to raise all such defences, if so advised at appropriate stage and he cannot insist for putting up a defence, the information sought for by him should be ordered to be given by this Court, hence, his contention stands rejected.

4. At this juncture, the contemnor inspite of being informed in Gujarati language by one of us (Justice A.J. Shastri) that he cannot be granted time, he insists for one additional extra day be given to putforth his case through lawyer. He undertakes to make necessary arrangements to conduct his case and at his request, re-list this matter on **05.01.2022**. Contemnor is also directed to appear before this Court on all dates of hearing without fail.

(ARAVIND KUMAR,CJ)

(ASHUTOSH J. SHASTRI, J)

AMAR SINGH