

Intra Court Appeal for Contempt Cases

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Before the Supreme Court hears arguments on the quantum of punishment to be awarded to advocate Prashant Bhushan for contempt of court, former SC judge Justice Kurian Joseph has said that the **matter should be heard by a Constitution Bench and called for an intra-court appeal in the case.**

Intra Court Appeal

A three-Judge bench of the Supreme Court of India has decided to hear a few serious questions on the **scope and extent of contempt of court.** However, according to Justice Joseph, there are certainly more graver issues, involving substantial questions of law as to the interpretation of the Constitution of India. For example, **whether a person convicted by the Supreme Court of India in a suo motu case should get an opportunity for an intra-court appeal since in all other situations of conviction in criminal matters, the convicted person is entitled to have a second opportunity by way of an appeal.**

Under **Section 19 of the Contempt of Courts Act, 1971, an intra-court appeal is provided where the order is passed by the single Judge of the High Court,** and, in case it is by the Division Bench, appeal lies to the Supreme Court of India. This safeguard is provided probably to **avoid even the remotest possibility of miscarriage of justice.** "Should there not be such a safeguard in the other Constitutional Court, the Supreme Court of India also, when there is a conviction in a suo motu criminal contempt case," he said. **"Persons convicted in ordinary criminal matters got a second chance in the form of an appeal.** So, why is a person convicted by the Supreme Court in suo motu contempt proceedings not entitled to another

opportunity by way of an appeal.”

Fiat justitia ruat caelum (let justice be done though the heavens fall) is the fundamental basis of administration of justice by courts. But, if justice is not done or if there is miscarriage of justice, heavens will certainly fall. “The Supreme Court of India should not let it happen,” he said. The present contempt cases are not cases involving just one or two individuals; but larger issues pertaining to the concept and jurisprudence of the country regarding justice itself. Important cases like these need to be heard elaborately in a physical hearing where only there is **scope for a broader discussion and wider participation**. Men may come and men may go, but the Supreme Court of India should remain forever as the court of supreme justice.