

Contempt of Court and Defamation of Judge

Menu; criminal law

Sub- menu ‘ Indian Penal Code’

Category; defamation

The bench of Supreme Court in *Bathina Ramakrishna Reddy vs The State of Madras* 1952 observed that the language of section 499 of the IPC is wide enough to cover a case of contempt of Court. What is said is, that if a libel is punished against a judge in respect of his judicial function, that also is defamation within the meaning of section 499 of the IPC and as such libel constitute a contempt of court, it may said with perfect propriety that libel on a judge is punishable as contempt under the Indian Penal Code. Any statement that is libellous in nature may bring the adversity of section 499 of the IPC and it is on judge whether or not to take proper action against the libeller.

The privy council observed in *Surendra Nath Banerjee v. The Chief Justice and the Judges of High Court* that although contempt may include defamation, yet an offence of contempt is something more than mere defamation and is different in nature. Where when the act of defamation is calculated to obstruct or interfere with the due process of law, it would in all the probabilities amount to contempt. *The contempt of court and defamation is different in nature*. The offence of contempt is a wrong done by public weakening the authority and influence of the court of law which exist for their good. Argument was placed on the statement of Willmot. CJ. That attack upon the judge excite in the minds of the people a general dissatisfaction with all judicial determinations and whenever man's allegiance to the law is so fundamentally shaken it is the most fetal and dangerous obstruction of justice.

What is punishable in the Indian Penal Code is the offence defamation and not the contempt of the court. However, if any statement or actions are contempt in nature the proceedings under section 2 of the Contempt of Court Act can be initiated.