

(2003) 01 AHC CK 0150

Allahabad High Court

Case No: Criminal Contempt No. 25 of 1999

In Re: Shitla Prasad Mishra,
Advocate and Others

APPELLANT

Vs

RESPONDENT

Date of Decision: Jan. 17, 2003

Acts Referred:

- Contempt of Courts Act, 1971 - Section 10, 12, 2

Citation: (2003) 3 RCR(Criminal) 529 : (2003) 1 UPLBEC 726

Hon'ble Judges: Sudhir Narain, J; S. Rafat Alam, J; M. Katju, J

Bench: Full Bench

Final Decision: Disposed Of

Judgement

M. Katju, Sudhir Narain and S. Rafat Alam, JJ.

This Full Bench of three Judges has been constituted by the s of Hon"ble theing Chief Justice dated 13.1.2003. The matter relates to contempt of Court proceedings drawn on 7.5.1999 against 23 yers of District Court, Allahabad, namely, S/Sri Shitla Prasad Mishra, Advocate, Rakesh Kumar Srivastava, Advocate, Kamlesh Chaturvedi, Advocate, Lakshmi Kant Tripathi, Advocate, Ram Chandra Sharma, Advocate, OP. Dwivedi, Advocate, Krishna Kumar Mishra alias Balram Guru, Advocate, Pramod Kumar Srivastava, Advocate, Shashi Tewari, Advocate, Dilip Mishra, Advocate, Hari Sagar Mishra, Advocate, Rajesh Kumar Tewari, Advocate, Arun Kumar Tripathi, Advocate, Arvind Kumar Tripathi, Advocate, Maliq Siddiqui, Advocate, Laxmi Kant Tripathi, Advocate, Shiv Sewak Ram Dwivedi, Advocate, Rajendra Kumar Mishra, Advocate, Rajendra Prasad Mishra, Advocate, Sachin Srivastava, Advocate, Nathu Ram, Advocate and Anil Tewari, Advocate.

2. The contempt of Court proceedings arose in connection with very serious incidents, which happened in District Court, Allahabad on 1.5.1999, 3.5.1999 and 4.5.1999. The details of the incidents are given in the report of the Registrar of this

Court dated 6.5.1999 which was submitted to Hon"ble the Chief Justice. In that report it was mentioned that an Advocate Sri Sudhir Kumar Jaiswal met with an accident on 29.4.1999 and was taken to "Ganga Memorial Nursing Home, Kutchery Road, Allahabad" which is run by Dr. P. Gupta. It appears that there were some altercations between Dr. P. Gupta and the yers who came with Sri Sudhir Kumar Jaiswal as a result of which an FIR was lodged vide case Crime No. 478 of 1999, under s 323 and 506, IPC at Police Station Colonelganj, Allahabad against Dr. Gupta who was taken into custody on 30.4.1999. It is alleged that the yers were agitated and stated that they would oppose the bail application of Dr.P. Gupta, which was to be heard on 1.5.1999.

3. On 2.5.1999 (Sunday) an application was moved on behalf of Dr. P. Gupta that he is a heart patient and his bail application be heard expeditiously as the offence was under 323, IPC. The bail application was heard and disposed of by Sri Dulare Lal Srivastava, Special Chief Judicial Magistrate, Allahabad. Sri Dulare Lal Srivastava, after hearing the Counsel for the parties, granted bail to Dr.P. Gupta on 2.5.1999.

4. It appears that on 4.5.1999, the District Bar Association, Allahabad passed a resolution to the effect that they would abstain from Court work on 5th and 6.5.1999. The same day a group of the yers went to the Court of Sri A. K. Mukherji, Chief Judicial Magistrate and Sri Dulare Lal Srivastava, Special Chief Judicial Magistrate, hurled filthy abuses and also created nuisance by thumping doors and tables of the Court and terrorised the Presiding Officers. The filthy slogans are mentioned in the report of the Registrar and they are such which cannot even be mentioned in civilised society. Seeing such misbehaviour of the yers the Judicial Officers retired to their chambers. The yers roamed around the Court premises shouting abusive and filthy slogans. In view of this atmosphere and terror from the side of the Advocates some of the officers and staff members had to run away from the Court room with their files. The yers also made attempt to enter in the Record room but it was closed by the Record keeper. The Judicial Officers came to the chamber of the District Judge to seek guidance in this situation. They were advised by the District Judge to remain cool. The same day the yers came again to the Court rooms and misbehaved with Sri A. K. Mukherji, Chief Judicial Magistrate and Sri Dulare Lal Srivastava, Special Chief Judicial Magistrate uttering filthy abuses and threatening that the Judicial Officers should leave the Court room otherwise they would be assaulted. They also threw chairs and created terror in the Court.

5. The District Judge sent a report of the incident to Hon"ble the Chief Justice who constituted a 9 Judges Bench which drew up charges by dated 7.5.1999 against the 23 contemnners.

6. We have carefully perused these charges. They are most serious in nature and amount to gross contempt of Court.

7. In our opinion if the yers had any grievance about the bail which was granted to Dr. P. Gupta, it was open to them to move a bail cancellation application before the appropriate Court or they could have taken any other legal remedy, but instead these yers of the District Court behaved like hooligans and uttered filthy abuses inside the Court room and outside the chambers of the Judges and gave threats. The conduct of the yers is reprehensible and gross contempt of Court.

8. A large number of incidents are coming to the notice of this Court about the hooliganism of the yers of the District Courts in the State, and the time has now come to take strongion in the matter and put down this hooliganism. This Court, by this judgment, is hereby sending a message to all the yers of the District Courts in U.P. that this kind of hooliganism will not be tolerated by this Court and whoever indulges in suchivities shall be given harsh punishment.

9. If the yers have any grievance against any particular Judge of the District Court, it is always open to them to approach the District Judges or the Administrative Judge of the District in this connection, and if they have any grievance against the District Judge but it is not open to them to take into their own hands and misbehave with the Judges and indulge in hooliganism.

10. The Judiciary is a sovereign institution and it will maintain its authority at all costs. We will not tolerate infringement of our authority by yers who misbehave with the Judges or interfere with the judicial proce We are giving a warning to the yers that they will be dealt with an iron hand if they indulge in such kinds ofivities in the future.

11. However, taking into consideration the fact that the yer-contemners were restrained by of this Court on 7.5.1999 from entering into the Court compound itself, with the result they could not practice in the Court which itself amounted to a punishment and further the fact that they had submitted unqualified apologies by filing affidavits and also they have tendered apologies today again before us, we, in the facts and special circumstances of the matter, discharge the notices against them. Their conduct shall, however, be under the supervision of the District Judge, Allahabad for a period of two years and if they do any against the dignity of the Court then necessaryion shall be taken against them.

12. With the above observations we discharge the notices issued to the contemners but with severe warning that no behaviour of this kind will be tolerated in future from any yer in the State of U.P.

13. Let a copy of this be sent by the Registrar General of this Court to all the District Judges in the State as well as the President and Secretaries of all the District Bar Associations forthwith.