

(1966) 12 AP CK 0013

In the Andhra Pradesh High Court

Case No : Contempt Case No's. 32 of 1965, 25 and 26 of 1966

Advocate General, Andhra Pradesh, Hyderabad

APPELLANT

Vs

Abbaraju Ramarao

RESPONDENT

Date of Decision : 30-12-1966

Acts Referred:

Constitution of India, 1950 — Article 215
Contempt of Courts Act, 1971 — Section 1, 2, 3, 3(2), 4
Criminal Procedure Code, 1898 (CrPC) — Section 476
Penal Code, 1860 (IPC) — Section 217, 218, 219, 228, 471

Citation : AIR 1968 AP 207 : (1968) CriLJ 888

Hon'ble Judges : P. Jaganmohan Reddy, C.J; Anantanarayana Ayyar, J

Bench : Division Bench

Advocate : Party in person, for the Appellant; R. Venugopala Reddy, as amicus curiae, for the Respondent

Final Decision : Allowed

Judgement

Anantanarayana Ayyar, J.—IN each of the three cases, the learned Advocate-General is the petitioner and Abba Raju Rama Rao is the sole respondent.

2. The prayer in C C. No. 32 of 1965 is to commit the respondent for Contempt of Court under Sections 3, 4 and 5 of the Contempt of Courts Act, 1952 for having made certain allegations, amounting to Contempt of Court in Crl. M. P. No. 431 of 1965 in Criminal Appeal No. 216 of 1963 on the file of the Additional Sessions Judge, East Godavari at Rajahmundry.

3. The prayer in C. C. No. 25 of 1966 is "to commit the respondent for Contempt of Court under Sections 3 and 4 of the Contempt of Courts Act 1952 by scandalising the Court by making unwarranted allegations in the affidavit in Crl. M. P. No. 1177 of 1966 in Crl. R. C. No. 393 of 1964 on the file of the High Court.

4. The prayer, in C C. No. 26 of 1966 is to commit the respondent for Contempt of Court under Sections 3 and 4 of the Contempt of Courts Act, 1952 for

deliberately making allegations in the affidavit in Crl. M. P. No. -- of 1966 (S. R. No. 28484 of 1966) in Crl. R. C. No. 393 of 1964 and also in the Letter of Request addressed to the Hon"ble the Chief Justice".

5. The passages, which according to the petitioner, amount to Contempt of Court are as follows:--

Contempt Case No. 32 of 1965:--

6. In the petition filed the respondent in Crl. M. P. No. 131 of 1965, he made certain allegations against Shri P, Ramachandra Raju, the Assistant Sessions Judge. Rajahmundry. In Para. (1), it is recited thus;--

".....the trying judge being Sri P. Ramachandra Raju the Ex-Presiding Officer of Assistant Sessions Judge's Court, Rajahmundry, who pronounced judgments in those sessions cases dishonestly and maliciously basing the said three judgments on a forged will known as Ex D. 8 in those Sessions Cases"

In Para. 4, it is stated thus:--

"..... .. the whole conspiracy having been positively abetted by the trying Judge, Sri P. Ramchandra Raju in consequence of which conspiracy -

"acquittal orders of all the accused in Sessions Cases Nos. 4-A and 4-B of 1963 and conviction and admonition of A-1 u/s 562 (1-A) Cr. P. C. and acquittal of other accused in S. C. No. 4/63 were obtained by the accused, the trying Judge Sri P. Ramachandra Raju having dishonestly and maliciously pronounced judgments in those Sessions Cases being guilty of committing incidental offences also punishable under Sections 217, 218 and 219 I. P. C., in addition to the major offence punishable u/s 471 I. P. C.".

In Para 10, it is alleged thus:--

"I further state that even the High Court cannot convict the accused who were dishonestly and maliciously acquitted in Sessions Cases Nos. 4-A and 4-B and in Sessions Case No. 4 of 19.63".

Contempt Case No. 26 of 1966:--

7. The respondent has put in a petition (S. R. No. 28484 of 1966) to constitute a Bench to hear Crl. R P No. 393 of 1964. In the affidavit accompanying the petition, the respondent has made several allegations In para 5, the respondent stated thus: --

". . . .The Court of revision evaded to discuss the answer even a single question of law in affirmative having a draw back to discuss and answer them in affirmative with ulterior motive of hushing up deliberate criminal conspiracy and abetment thereof and to speed up contempt proceedings No. 32 of 1965 ulteriorly preferred against me by the Advocate-General Andhra Pradesh, Hyderabad Judicial partiality and official favouritism being at the bottom of the

whole affair by way of defeating the grounds of defence relied upon by me in Contempt Case No. 32 of 1965"

In para 6 the respondent stated thus:--

"it (the Court) had purposely made certain false statements to mislead the hearing Bench of contempt case 32 of 1965 which false statements are pointed out in para 8 of his affidavit and also used a peculiar and questionable phraseology suggesting the Assistant Sessions Judge's Court Rajahmundry to dismiss Crl M. P No 6 of 1963."

In para 7 the respondent said:-

" ... Which was dismissed maliciously by the said Court of admission on 12-6-1966 without hearing me or looking into the records annexed to it uttering "I cannot restore the case which I dismissed" making an evasive remark for its dismissal and thus the inherent powers also were intentionally not exercised even in the least degree "

In para 8 also the respondent made several scathing remarks against the learned Judge. Mohammed Mirza, J.

8. According to the affidavit of the petitioner, the respondent stated in the letter of request as follows :--

"In his letter the respondent again made unwarranted, unprovoked and contemptuous allegations against the Ex-Chief Justice Mr. Manohar Pershad, Hon'ble Mr. Justice Kumavayya and the Hon'ble Mr. Justice Mohammed Mirza. The respondent alleged in this letter that the Crl. M. P. challenges the dishonesty of the Ex-chief Justice and that the direction was given with ulterior motive of maliciously attacking him a fighter. He also alleged that the Bench consisting of the Ex Chief Justice Mr. Manohar Pershad and the Hon'ble Mr. Justice Kumarayya showed Judicial partiality and official favouritism."

Contempt case No. 25 of 1966 :--

9. The respondent took out another petition (Crl. M. P. No. 1177 of 1966) in Crl. R. C. No. 393 of 1964 for restoration of Crl. R. C. No. 393 of 1964. In the affidavit, accompanying the petition, the respondent made again several allegations against Mohammed Mirza. J. In Para. 2, the respondent states:--

"I have reason to logically infer and thus believe and state that the decision in Crl. P. C. No. 393 of 1964 (Cri. R. P. No. 359 of 1964 is tainted and contaminated being pronounced on 17-6-1966 by Court of Revision represented by Justice Mohammed Mirza) in furtherance of pending Contempt Proceeding (Contempt Case No. 32 of 1965) ulteriorly preferred by the Advocate-General against me, latent judicial partiality and official favouritism being at the bottom of the whole affair as the order pronounced in Crl. R C No 393 of 1964 contains considerable number of ulteriorly misrepresented facts by the Court of Revision (Perhaps to prop the ulteriorly misrepresented facts contained in the affidavit of the applicant

in Contempt Case No. 32 of 1965 pending unheard on the file of this Hon''ble Court) which Court of Revision professed that it had perused records and the false statements made by Court of Revision are Quite capable of misleading and effecting an unjust decision in Contempt Case No. 32 of 1965 pending on the file of this High Court, the disposal of Crl. R Case No. 383 of 1964 having been caused as directed by the 1st Bench as I learnt yesterday "

In Para 3, the respondent stated that the Court of Revision abused its discretionary power and evaded to discuss the questions of law challenged by him and that the Court hesitated to decide having a drawback to answer them

In Paragraph 5 the respondent further stated :--

". . . .the court of revision maliciously and without giving even a single reason dated to support the manifestly illegal, misleading, evasive and false remark made by the Lower Court that Crl. M. P. No. 65 of 1964 was frivolous (which Crl. M. P. holda before this Hon''ble Court or any Court of law a mirror in which all the clear-cut symptoms of dishonesty and malice of Sri P Ramachandra Raju the trying Judge of Sessions Cases 4, 4A and 4B of 1963 on the file of Assistant Sessions Judge''s Court, Rajahmundry are positively reflected) and further dismissed Crl R Case No. 393 of 1964 which act in my opinion, is something done to act like a talisman to conceal and hush up a deliberate criminal conspiracy of committing an offence punishable u/s 471 IPC (which was actually committed during the course of and in relation to judicial proceedings in Sessions Cases 4, 4A and 4-B of 1963 on the file of Asst. Sessions Judge''s Court, Rajahmundry in which conspiracy the prestige and honesty of Sri P. Ramachandra Rain one of the surviving subordinate judiciary of this Hon''ble Court stands involved."

9-A. The relevant facts are as follows: Shri P. Ramachandra Raju, the Assistant Sessions Judge, Rajahmundry tried Sessions Cases Nos. 4, 4-A and 4-B of 1963, He acquitted all the accused in each of Sessions Cases Nos. 4-A and 4-B of 1963. Of the three accused in Sessions Case No. 4 of 1963, Shrt Ramachandra Raju acquitted A-2 and A-3 but convicted A-1 A-1 filed Criminal Appeal No. 216 of 1963 before the learned Sessions Judge, Rajahmuudry. Abbaraju Ramarao styling himself de facto complainant, filed Crl M. P. No. 431 of 1965 before the Sessions Court praying that it should forward some unmarked documents to the High Court for reference in Crl. R. C No. 393 of 1964. In that Crl. M. P. No. 431 of 1965, Abba Raiu Rama Rao made the allegations which we have already extracted as the subject-matter of Contempt Case No. 32 of 1965.

10. Criminal Appeal No. 216 of 1963 was transferred to the file of the Additional Sessions Judge, Rajahmundry. Abbaraiu Rama Rao filed Crl. M. P. No. 65 of 1964 u/s 476-A Cr. P. C. praying for action against some officers u/s 471 IPC The learned Additional Sessions Judge dismissed that petition. Against that order, the respondent herein filed Crl. R. P. No. 393 of 1964 in this Court. Crl. R. P, No. 393 of 1964 ultimately came up for hearing before Mohammed Mirza, J On 17-6-66, Mohammed Mirza, J. passed an order, after going into the relevant material. On

that day (17-6-1966) the respondent who had preferred that Revision Petition was not present. Subsequently, the respondent filed Criminal M. P. No. 1177 of 1966 for restoration of Crl. R. C. No. 393 of 1964 with a supporting affidavit of himself. In that affidavit, he made the allegations which were subject-matter of Contempt Case No. 25 of 1966 already extracted.

11. The respondent also filed another petition praying for posting Crl. R. C. No. 393 of 1964 for hearing before a Division Bench. That petition was not numbered as Crl. M. P. but was numbered as S. R. No. 28484 of 1966. Along with that petition, he filed an affidavit in which he made the allegations which were the subject-matter of Contempt Case No. 26 of 1966 which we have extracted earlier.

12. On 12-7-1966, Mohammed Mirza, J. took up Crl. M. P. No. 1177 of 1968 for hearing. On that day, the respondent was absent. The learned Judge heard the Counsel appearing for the Public Prosecutor and dismissed that petition by an order dated 12-7-1966. The order reads:--

"There is no provision of law to restore a revision case once it is disposed of on merits. This petition is, therefore, dismissed."

13. Meanwhile, Contempt Case No 32 of 1965 had been filed on 16-11-1965. On 16-3-66, a Bench of this Court consisting of Manohar Pershed, C. J. and Sharfunddin Ahmed, J. passed an order as follows:--

"Mr. R. Venugopala Reddy, Advocate, is appointed Amicus Curiae in the case, Office to supply him with a set of papers by this evening (16-3-66) Post the case on Friday (18-3-1966)."

On 18-3-1966, the case came up for hearing before Manohar Pershad C. J. and Kumarayya, J. The learned Judge passed an order as follows :--

"Expedite Crl. R. C. No. 393 of 1964. Post Contempt Case No. 32 of 1965 after the disposal of Crl. R. C."

Crl. R. C. No. 393 of 1964 was, disposed of on 17-6-1966 and Crl. M. P. 1177 of 1966 was dismissed on 12-7-1966. Abbaraju Rama Rao sent a letter of request bearing date 12-7-1966 to the First Bench stating as follows :--

"I have every reason to believe that inherent powers of this High Court were intentionally abused in connection with Crl. M. P. No. 1177/66. Therefore, I am going to take necessary steps to move the Supreme Court by following the proper procedure and right established by the Constitution. Therefore, I request the First Bench not to hear the contempt Case No. 32 of 1965 till the time prescribed for moving the Supreme Court in connection with this matter has elapsed."

14. Contempt Cases Nos. 25 and 26 of 1966 are dated 9-9-1966. On 26-10-1966, the two cases stood posted for appearance of Abbaraju Rama Rao. Meanwhile, on 19-10-66 a letter was received from Abbaraju Rama Rao by Registered Post asking for adjournment. The letter bears the date 17-10-1066 and

states as follows:--

" .. .since having a defective lung and further being a blood-pressure patient, as I am under-going treatment, apart from the fact that my purse is practically empty and I am not able to bear even the traveling expenses, I cannot come to the High Court on 26-10-1966 and even if I am by force or otherwise taken before the High Court, I cannot speak and argue, in view of my health, even for a few minutes, I hereby pray the Hon"ble the Chief Justice to kindly be pleased to constitute a Bench comprised of legally shrewd and morally potent Judges to hear Contempt Cases 25/66 and 26/66 and 32/65 getting them consolidated fixing a peremptory date for hearing in the 1st week of April, 1967 before which date getting Cr. M. P. bearing S. R. No. 28484 numbered and judicially decided without fail, by a Division Bench as by the date abovementioned I will certainly engage and send a leading lawyer of my choice from Madras to argue to the profound satisfaction of this Honourable Court so as to give me best opportunity of getting myself defended from ulterior and malicious attack by morally impotent personage, the Advocate-General of Andhra Pradesh and others.

N. B.: Copy of this and true copies of the counter-affidavits preferred by me in Contempt Cases 25/66 and 26/66 are being submitted to the President of India, the Chief Justice of India and also to some of the members in Parliament this day."

On 27-10-1966, the three cases came up for hearing before a Division Bench consisting of one of us (Jaganmohan Reddy C. J.) and Venkatesam, J. Abbaraju Rama Rao did not turn up on that day. The Bench passed an order as follows:--

"The request for an adjournment has not been supported by any Medical Certificate. In the circumstances, we cannot grant him the adjournment asked for and the cases are posted for his appearance on 7-11-1966. If he does not appear personally or by an Advocate the proceedings will be taken ex parte."

On 7-11-1966 notice to Abbaraju Rama Rao was not returned served. Therefore, the cases were adjourned to 27-11-1966. Notice of that date of hearing was served on the respondent on 15-11-1966. Abbaraju Rama Rao sent a letter dated 18-11-1966 in which he stated as follows:--

"..... Since Hon"ble Justice Sri Md. Mirza (being a slave of dishonest and malicious direction dated 18-3-1966 observing judicial partiality and official favouritism committed malicious and dishonest acts as clearly explained in the affidavits in Crl. M. P. No. 1177 of 1965 and Crl. M. P. bearing S. R. No. 28484 dismissed. Cri. R. C. No. 393 of 1964 and Crl. M. P. No. 1177 of 1966 since Crl, M. P. No. 28484 was preferred by me for purpose of getting sound lawful justice from this High Court"

In this letter, the respondent used highly abusive language. This letter also

contains at the end, a note somewhat similar to the note which is in the letter dated 17-10-1966. From this passage in the letter, it is clear that the respondent admits having made allegations against Mohd. Mirza J. in affidavits which are the subject-matters of Contempt Cases Nos. 25 and 26 of 1966.

15. When the cases were taken up for hearing, on 7-12-1966, Abbaraju Rama Rao was not present. We appointed Shri R. Venugopala Reddy as amicus curiae in. Contempt Case Nos. 25 and 26 of 1966 also and posted all the three cases for hearing on the next day (8-12-1966) as the latter agreed to get ready on that day. On 8-12-1966 also Abbaraju Rama Rao did not turn up. We proceeded to hear the arguments of Counsel on both sides in the absence of the respondent.

16. The main contention of the respondent in his letter, in his counter-affidavit in C. C. No. 32 of 1965 as well as in his counter-affidavit filed jointly in C. C. Nos. 25 and 26 of 1966 are to the following effect. He had no intention to scandalise anyone. He had no particular malice against any judicial officer. He was motivated by a bona fide desire to vindicate justice. The proceedings are barred by Section 3 (2) of the Contempt of Courts Act.

17. In arguments also, Shri Venugopala Reddy has urged these same contentions before us.

18. The passage concerned in Contempt Case No. 32 of 1965 clearly attributes dishonesty and malice to Shri P. Ramachandra Raju while acting in his capacity as Asst. Sessions Judge in disposing of judicial work, though it also mentions that he was guilty of committing incidental offences punishable u/s 217, Section 218 and Section 219. I. P. C., in addition to Section 471, I. P. C.

19. Similarly, in the various passages and statements of the respondent which were the subject-matter of Contempt Case No. 25 of 1966, he has attributed partiality to Mohamed Mirza, J.

20. In the statements of the respondent, which are the subject-matter of Contempt Case No. 25 of 1966, the respondent clearly indicated that this High Court (Mohd. Mirza, J.) purposely made false statements to mislead the hearing Bench of Contempt Case No. 32 of 1965.

21. All the passages which we have extracted as being the subject-matter of Contempt committed by the respondent in the respective cases speak for themselves. They clearly show that the respondent has scandalised the respective judges concerned by casting aspersions on them of a most serious nature. The respondent has not denied making those statements. On the other hand, in his letter of request dated 17-10-1966, he has admitted having made some of the statements which are concerned in Contempt cases Nos. 25 and 26 of 1966. It is clearly proved that the respondent made the statements as attributed to him in the affidavit filed in support of the petition in each of the three cases.

22. The important question is whether the respondent committed contempt of Court by making the statements concerned in each case.

23. In Court on behalf of the State Vs. Radha Krishna Khanna and Another, Tek Chand, J. of the Punjab High Court stated the legal position thus: (Page 118):

"The law in this country punishes as Contempt of Court any conduct that tends to bring the administration of justice into disrespect or to obstruct or interfere with the due course of justice. Any act done or writing published calculated to bring the Court into contempt or to lower its authority is a contempt of Court, whether corruption is imputed, or misconduct or incapacity in the discharge of the judicial duties, is suggested. Allegation of extraneous considerations weighing with a Judge in deciding a case amounts to contempt of Court."

On the facts of that particular case, the learned Judge observed thus (at p. 119):

"The respondent in this case had cast all discretion to the winds and he lashed out in unmeasured language at the Courts and at the presiding officers who had the misfortune to deal with the cases in which he was personally interested. He has not spared the Magistrate, the District Judges or the Judges of the High Court. He has questioned the impartiality and integrity of the Magistrates, the District Judge, the Additional District Judge, and has imputed improper motives, unfairness and undue haste to the Judges of the High Court."

Regarding the punishment, the learned Judge stated thus: (at page 120):

"There has been no expression of any remorse of any kind. In view of the respondent having used grossly contemptuous language In his booklet, which was further Justified in the affidavit, I am left with no alternative except to pass a sentence, sufficiently deterrent, as to bring home to him the error of his conduct. I find respondent guilty of having committed gross contempt of this Court and also of the Courts of the District and Sessions Judge and the two Magistrates and Impose upon him a sentence of two months" simple imprisonment."

The above observations are applicable substantially to a great extent in the present case also. In various passages, which are respectively concerned in each of the Contempt Cases, the respondent has made allegations which amount to gross Contempt of Court. The respondent also has not expressed any remorse of any kind but persisted in his attitude and in using grossly contemptuous language.

24. In The State of Bihar Vs. Gorakh Prasad Srivastava, , the respondent in that case was found to have committed Contempt of Court by making allegation that the District Judge had allowed an appeal on being influenced and being bribed by others, and thereby scandalised the Court. He expressed regret for his action but, all the same, the learned Judge held as follows: (at page 361):

"Having regard to the wild and reckless nature of the aspersions made I take a

serious view of the case and decline to accept the apology tendered. To do so would, as has been observed in *The State of Bihar Vs. S.M. Abdul Samad*, encourage persons to cast aspersions and make false allegations against judicial officers and Judges of this Court. It is necessary, therefore, to take a strict view of the matter. I accordingly sentence him to simple imprisonment for one month."

25. In *Advocate-General Andhra Pradesh v. Subba Rao*, 1965 (2) ALT 170, a Division Bench of this Court consisting of Basi Reddy, J., and Gopal Rao Ekbote, J. held that the respondent in that case committed gross Contempt of Court by making in his affidavit allegations, imputations and aspersions upon the integrity and impartiality of the Magistrate concerned in respect of his judicial acts. The learned Judge also held as follows: (at page 184):--

".....Neither in the counter-affidavit filed in this Court nor in his arguments before us, has the respondent shown any sign of remorse nor was there any trace of apology. On the contrary he has persisted in his folly and tried to justify his action. Furthermore, the respondent is an habitual contemner The moment a judicial officer--be he a Magistrate, a Munsif, a Subordinate Judge, a District Judge or a High Court Judge, decides anything against him, the respondent launches a virulent attack upon the intelligence and integrity of that officer. In his case, therefore, sympathy would be misplaced; mercy has no meaning. We are firmly of opinion that the contempt committed by the respondent in the instant case calls for condign and deterrent punishment and nothing short of the maximum penalty prescribed by law, would meet the ends of justice. We accordingly sentence the respondent to undergo simple imprisonment for six months."

In this case also, the respondent cast aspersions on Judicial Officer in each of the three cases. The observations of the Division Bench in the above case are applicable to this case.

26. In *Advocate General v. Seshagiri* ILR 1959 AP 1282, the respondent was found guilty of having committed Contempt of Court by alleging partiality to a Kshatriya Sub-Magistrate in a case where a Kshatriya woman was a party. A Division Bench of this Court consisting of Chandra Reddy, C. J. and one of us (Jaganmohan Reddy, J.) (as he then was) observed thus: (at page 1287):

"..... We have no hesitation in thinking that attacks of this kind on the character of judicial officer will destroy the confidence of people in Courts and impair the judicial administration and bringing the administration of justice into disrepute. It is the duty of all citizens to preserve faith in the judicial administration of Courts. If confidence in Courts is shaken, it cuts at the root of the judicial administration upon which the successful working of democracy depends. It is to prevent these disastrous results that this Court is invested with powers to punish the contemners,"

The learned Judges also dealt with the contention raised on behalf of the

respondent to justify the course adopted thus: (at p. 1288):

"In our opinion, it is not permissible to a contemner to establish the truth of his allegations as the arraignment of the justice of the Judges "excites in the minds of the people a general dissatisfaction with all judicial determinations and indisposes their minds to obey them" and that is a very clamorous obstruction to the course of justice."

27. In Advocate General, Andhra Pradesh Vs. D. Seshagiri Rao, , the same Seshagiri Rao who was concerned in ILR 1959 AP 1282 wrote another letter alleging that the Additional Sessions Judge, who was a Vysya wanted to convict him (Ses-hagiri Rao) without hearing his defence and pre-judged his case with a view to help a Salt Officer to induct a "Rich Komati Woman" contrary to facts and law, thus attributing to the Judge incompetence and judicial dishonesty and making various insinuations. A Division Bench of this Court consisting of one of us (Jajanmohan Reddy, J. as he then was) and Venkatesam, J. held that Seshagiri Rao had committed Contempt of Court and expressed strongest disapproval of his conduct.

28. In Bathina Ramakrishna Reddy Vs. The State of Madras, the Supreme Court observed thus: (at page 152):--

"What is made punishable in the Indian Penal Code is the offence of defamation as defamation and not as contempt of Court. If the defamation of a subordinate Court amounts to contempt of Court, proceedings can certainly be taken u/s 2, Contempt of Courts Act, quite apart from the fact that other remedy may be open to the aggrieved officer u/s 499, Penal Code "

Their Lordships dismissed the appeal against the judgment of the Madras High Court finding the appellant guilty of Contempt of Court and awarding a sentence of simple imprisonment for three months.

29. The above decision of the Supreme Court was followed subsequently in the case of Brahma Prakash Sharma and Others Vs. The State of Uttar Pradesh, wherein their Lordships observed thus: (at page 14)

"The position, therefore, is that a defamatory attack on a Judge may be a liable so far as the Judge is concerned and it would be open to him to proceed against the libellor in a proper action if he so chooses. If, however, the publication of the disparaging statement is calculated to interfere with the due course of justice or proper administration of law by such Court, it can be punished summarily as contempt. One is a wrong done to the Judge personally while the other is a wrong done to the public. It will be an injury to the public if it tends to create an apprehension in the minds of the people regarding the integrity, ability or fairness of the Judge or to deter actual and prospective litigants from placing complete reliance upon the Court's administration of justice, or if it is likely to cause embarrassment in the mind of the Judge himself in the discharge of his judicial duties. It is well established that it is not necessary to prove affirmatively

that there has been an actual interference with the administration of justice by reason of such defamatory statement; it is enough if it is likely, or tends in any way, to interfere with the proper administration of law".

30. In State of Madhya Pradesh Vs. Revashankar, the respondent (Revashanker) was said to have made aspersions in an application which were summarised by their Lordships as follows: (at page 103):--

"The first aspersion was that from the order dated October 12. 1953 it appeared that Mr. N. K. Acharya wanted to favour Mr. Uma Shanker Chaturvedi. The second aspersion was that from certain opinions expressed by the Magistrate Revashanker asserted that he was sure that he would not get impartial and legal Justice from the Magistrate. The third as person was that the Magistrate had a hand in a conspiracy hatched by Messrs. Mohan Singh and Uma Shanker Chaturvedi regarding certain ornaments of Chandra Mukni Bai with the object of involving, Revashanker, and his brother Sushil Kumar in a false case of theft of ornaments. The fourth aspersion was that Mr. Uma Shanker Chaturvedi had declared that he had paid Rs. 500 to the Magistrate through Ganga Ram. These aspersions were later repeated in an affidavit"

The Madhya Pradesh High Court held that, by reason of provision in Section 3 (2) of the Contempt of Courts Act, 1952 the jurisdiction of the High Court was ousted inasmuch as the act complained of constituted an offence u/s 228 of the Indian Penal Code. The correctness of that finding was challenged before then Lordships in appeal. Their Lordships, after considering the wording and ingredients of S 228 I P. C. held as follows: (at page 106V.-

"The aspersions made therein prima facie showed that they were much more than a mere insult to the learned Magistrate: the aspersions taken at their face value amounted to what is called scandalising the Court itself, manifesting itself in such an attack on the Magistrate as tended to create distrust in the popular mind and impair the confidence of the people in the Courts"

Their Lordships also observed that if the respondent (Reva Shanker) had merely criticised the Magistrate, no notice need have been taken of such criticism as contempt of Court but if he acted in malice and attempted to impair the administration of justice, the offence committed would be something more than an offence u/s 228. I. P. C. In that view of the matter, their Lordship* held that Section 3 (2) of the Act did not stand in the way and that the Madhya Pradesh High Court was wrong in its view that the jurisdiction of the High Court was ousted.

31. Section 3 (ii) of the Contempt of Courts Act, 1952 runs thus:--

"No High Court shall take cognizance of a contempt alleged to have been committed in respect of a Court subordinate to it where such contempt is an offence punishable under Indian Penal Code (Act XLV of 1860)."

In the present case also, the passages complained of in each of the three cases as having been made by the respondent did not amount to mere criticism or coming under any of the offences described in the Indian Penal Code. The statement concerned in each of the three cases amounted to aspersions flagrantly scandalising the Court itself which clearly tended to create distrust in the popular mind and impair the confidence of people in the Courts. They clearly amount to Contempt of Court of the grossest type. These proceedings under Contempt of Courts are not barred by Section 3 (ii) in view of the fact that the statement concerned in each case did not amount to mere criticism or mere offences under the Penal Code as explained above by following the principles laid down by the Supreme Court.

32. In *Rao Harnarain Singh Sheoji Singh Vs. Gumani Ram Arya*, relying upon the decision of the Privy Council in AIR 1945 134 (Privy Council) *Tek Chand, J.* observed thus: (at page 961):--

"The law of contempt is not concerned with the working of the mind of the person charged with committing contempt, or with his capacity to cause harm; these may be considerations for assessing the quantum of punishment

The law looks at the conduct of the person proceeded against, in order to find out if it was calculated to produce an atmosphere of prejudice, in the midst of which, the judicial proceedings have to go on. The test of guilt in such cases, depends on the findings, whether the matter complained of tended to interfere with the cause of justice, and not on the question whether such was objective sought" much less whether it was achieved.

Neither desire to obstruct or prevent administration of justice, nor its fulfillment count in proceedings for contempt. Reasonable tendency to influence or interfere with a pending proceeding has been a long established standard and is still is the only accepted criterion, recognized by Courts in India and in the countries, which have adopted their legal system on the pattern of Common Law."

33. The contention urged by the respondent that he had no intention to scandalise any one is clearly unacceptable because the passage concerned in each case amounts to scandalizing of the worst type His contention that he did not have malice against any judicial Officer cannot also be accepted nor can his contention that, in making these aspersions, he was motivated by a bona fide desire to vindicate justice be accepted.

34. We find that the contentions raised by the respondent and urged on his behalf by Shri Venugopala Reddy are not tenable.

35. We hold that, in the passages concerned in each of the three cases, the respondent has scandalized the judicial Officers and the Court referred to therein in abusive and intemperate language and made an attack which tended to create distrust in the popular mind and impair the confidence of the people in Courts

concerned and in Courts in general. By indulging in making such aspersions, the respondent has proved to be a menace to the administration of justice by officers duly appointed and Courts duly constituted. He has not expressed any apology or shown any remorse. On the other hand he has persisted in making aspersions.

36. We find that the respondent has to be awarded a sentence which will be sufficient to deter him from this course of conduct of scandalizing Courts.

37. In the result, we allow these petitions, find the respondent, Abbaraju Rama Rao, guilty of Contempt of Court under the Contempt of Courts Act. 1952 and award him a sentence of four months' simple imprisonment in each of the three cases. We direct the sentences to run concurrently. We also direct that the respondent shall be committed to the Central Jail, Rajahmundry.

38. We are thankful to Shri R. Venugopala Reddy who has acted as amicus curiae and rendered valuable assistance to us after perusing the records.