
(1993) 08 SC CK 0036
In the Supreme Court Of India
Case No : Diary No. 1705/91

Captain Virender Kumar

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 16-08-1993

Acts Referred:

Citation : AIR 1994 SC 1711 : (1993) 3 Crimes 269 : (1993) 4 JT 570 : (1993) 3 SCALE 492 : (1993) 4 SCC 24 Supp : (1993) 1 SCR 550 Supp

Hon'ble Judges : S. Mohan, J;A. M. Ahmadii, J

Bench : Division Bench

Advocate : Party-in-Per, for the Appellant;

Final Decision : dismissed

Judgement

1. The petitioner, an Advocate of this Court, claiming to be motivated by a desire to cleanse the judiciary, moved this petition by way of a public interest litigation for certain reliefs directed against Respondents Nos. 1 to 7 but principally against Respondent No. 3 for suo motu contempt action. When this petition came up for admission before us on 11th February, 1992 we found that the petition was not drafted in dignified language and abounded in the use of unwarranted adjectives. With a view to giving the petitioner an opportunity to present a properly drafted revised petition, we directed the Registry that if a revised petition is filed, the same may be annexed to this petition. Thereafter the petitioner instead of presenting a revised petition replaced a couple of words in the original petition itself. On 27th February, 1992 this Court observed that this action was not consistent with the order of 11th February, 1992 by which only a revised petition was permitted and amendments in the original petition had not been allowed. The report of the Registry was called to explain why the amendments were allowed. The report filed by the Registry dated 5th March, 1992 revealed that the concerned Section Officer had objected to the petitioner effecting change of words but the petitioner became aggressive and give threats and insisted on filing the revised petition later and reiterated that he was permitted by the Court

to correct a few words in the present petition. On 6th March, 1992 when the petition came up before the Court, this Court observed that it would like the petitioner to explain his conduct as emanating from the Registry's report dated 5th March, 1992. A copy of the report was also supplied to the petitioner. Thereafter the petitioner filed a revised petition and submitted his explanation in the form of an affidavit along with Annexures which we did not consider to be satisfactory. Allegations were also made against the Registry and the Registrar General's report was challenged as false, frivolous and highly mischievous. After hearing the petitioner on 22nd March, 1993, we drew his attention to the language used as well as the allegations made therein and expressed our displeasure in that regard. Thereafter the petitioner filed another affidavit dated 24th March, 1993 to the following effect: That, the petitioner, to the knowledge of the Hon'ble Court, has the highest respect, faith and regard in the majesty of this Hon'ble Court. To preserve and pursue this end, he had since 1970s invariably taken active part, in up keeping this citadel of justice - notwithstanding, his deteriorating state of the 1965 Sialkot-front sustained severe spinal war-injuries.

That, in utmost humility, it is prayed that the Hon'ble Court, most graciously be pleased to accept the apology and drop the said inquiry proceedings, so that the case can be heard on merits, soon.

2. We accept his apology even though we are not satisfied with his explanation. We, however, hope that the petitioner will be more careful in future in the choice of his language and in his dealings with the Registry. Having regard to his age and his physical condition we have accepted his apology notwithstanding the fact that his petition abounds in language which is far from dignified. The petitioner in his zeal to project himself as a savior of the judiciary has made allegations against one and sundry and sought reliefs which betray confused thinking. We are not required to deal with them as we do not consider suo motu action necessary on such allegations. Besides, in view of the subsequent developments that have taken place, we think it is best that we close this sad saga. We, therefore, summarily reject this petition.