

(1938) 05 MAD CK 0018
In the Madras High Court

Gottepulla Bapayya Naidu	Vs	APPELLANT
Peta Bapayya and Others		RESPONDENT

Date of Decision : 02-05-1938

Acts Referred:

Citation : AIR 1938 Mad 975 : (1938) 2 MLJ 520

Hon'ble Judges : Alfred Henry Lionel Leach, C.J

Bench : Division Bench

Judgement

Alfred Henry Lionel Leach, C.J.—This is an application to commit the three respondents for contempt of Court. The petitioner is the

Mokhasadar of Kondaporava, Kistna District. The first respondent is the President of the West Kistna Congress Committee, the second

respondent is the Secretary of that Committee, and the third respondent is said to be the printer of the pamphlet which is the subject-matter of this

petition. Last year there was trouble between the petitioner and the ryots on his estate and he filed a complaint in the Court of the Sub-Magistrate,

Tiruvarur, alleging an offence under the Cattle Trespass Act against 26 of the ryots. It was said that they had rescued cattle which were being

taken to the pound after a trespass. He also complained that the ryots had unlawfully interfered with the produce of his forests and were guilty of

turbulent acts endangering human life and property". In this connection he instituted proceedings u/s 144 of the Code of Criminal Procedure

against 11 ryots in the same Court. He also filed a number of applications u/s 74 of the Madras Estates Land Act. While these proceedings were

pending a pamphlet was distributed containing the following statements:

The Zamindars and Mokhasadars are oppressing in many ways the ryots in their

village, since the success of the Congress in the elections. The sole cause for oppressing the ryots is that they voted for the Congress and helped to establish the Congress Government.

The Mokhasadar is oppressing the ryots in many ways by not granting pattas to the ryots in relation to their lands even in their possession by not

giving receipts for cists paid, by including in his house-farm lands the lands in possession of the ryots whenever he is displeased.

As the ryots have not submitted to the Mokhasadar who by not granting pattas to the Kondaparava ryots who are suffering like this from a very

long time, attempted to deprive them of their rights they are enjoying from of old, the Mokhasadar is now harassing those poor ryots illegally

foisting upon the villagers a pound case (under Cattle Trespass Act) against 26 of them, a forest case against 11 of them, summary suits on 43 of

them and a case against 3 of them for alleged murdering of a forest watcher and by fabricating many such cases.

These poor ryots who are bent down by unbearable poverty for a very long time are unable even to protect their rights again in these illegal cases

set up by the Mokhasadar. Therefore, we request the public to render monetary and such other voluntary help in order that the rights of the ryots

may be protected.

2. In the affidavit in reply the first respondent has taken objection to certain parts of the translation of this petition, which was supplied by the

petitioner and for the words ""illegally foisting upon the villagers"" he would have substituted ""has unjustly launched"". The senior Telugu Interpreter of

the Court has been called before the Court and he says that the words used actually mean ""unjustly concocted"".

3. The first respondent as president of the Committee takes full responsibility for the publication of this pamphlet, and, recognising that the

statements do amount, to contempt of Court, has tendered an apology. The second respondent has stated that he had nothing to do with the

drawing up of the pamphlet and that he was unaware of its issue. The third respondent says that he is not responsible as the printer, as he had let

his press to another sometime before the pamphlet was printed. The learned Advocate for the petitioner has accepted the pleas of the second and

third respondent and the case has proceeded against the first respondent alone.

4. The contempt here is of a very grave nature. While these proceedings were pending the West Kistna Congress Committee issued this pamphlet

accusing the petitioner of having deliberately launched false cases against his ryots and in other ways oppressing them and the first respondent

acknowledges responsibility. In a recent case of a similar nature - Rajah Velugoti Sarvagna Kumara Krishna Yachendra Bahadur Varu of

Venkatagiri Vs. N.V. Rama Naidu and Another, , I had occasion to refer to the observations of Lord Hardwicke in The St. James's Evening Post

case : Roach v. Garvan (742) 2 Atk. 469 : 26 E.R. 683 where he said that:

Nothing is more incumbent upon Courts of justice, than to preserve their proceedings from being misrepresented; nor is there anything of more

pernicious consequence, than to prejudice the minds of the public against persons concerned as parties in causes, before the cause is finally heard.

5. And I would add, as I added in the previous case it is no excuse to urge that the minds of the trial Judge would not be affected by the state

ments.

6. The offence here is so grave that we consider we should not be doing justice if we accepted the apology of the first respondent and let the

matter rest there. We consider that this is a case in which a fine should be inflicted, and we direct the first respondent to pay a fine of Rs. 250

within 10 days, failing which he will undergo simple imprisonment for a period of one month. He will also pay the costs of the petitioner which we

fix at Rs. 100.