

(2003) 07 AHC CK 0272
In the Allahabad High Court
Case No : Criminal Contempt No. 12 of 2003

Jagdish Prasad, District Judge

APPELLANT

Vs

Suresh Singh Yadav, Advocate and Others

RESPONDENT

Date of Decision : 24-07-2003

Acts Referred:

Contempt of Courts Act, 1971 — Section 15, 17, 2

Citation : (2003) 3 ACR 2548

Hon'ble Judges : S.P. Srivastava, J;K.N. Ojha, J

Bench : Division Bench

Advocate : A.G.A, for the Appellant; Vivek Mishra and R.K. Ojha, for the Respondent

Judgement

1. The present proceedings under the Contempt of Courts Act were initiated against S/Shri Suresh Singh Yadav, Vishwa Nath Singh Yadav, Avani Ranjan Misra alias Kukku Babu, Jagdish Singh Shakya, Maharaj Singh Yadav, Rajesh alias Rajiv Yadav, Suresh Chandra Yadav son of Shri Pahunchi Lal, Mahendra Kumar Bhardwaj, Sanjit Gaur, Ashok Bajpai, Raja Ram Yadav, Ram Sewak, Manik Chandra Sangrami, Ram Baran Shakya, Ram Awatar Shashi and Saghir Ahmad, advocates practising in the Civil Court, Mainpuri in view of the complaint/report of the District Judge, Mainpuri dated 12.5.2003.

2. In the said complaint/report, it had been indicated that at about 7.30 a.m. all the above named disgruntled advocates entered into his court-room, hurling filthy abuses and filthy slogans against him and Shri B. P. Mathur, Special Judge, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and the Courts and created not only nuisance but also created a terror and fear in the mind of the litigants . These advocates continuously shouted slogans, which have been quoted in the complaint. It was also indicated that the advocates were hurling filthy language not only against the District Judge but also against the whole judicial system, which could not even be mentioned in writing. These advocates attempted to scandalize by hurling abuses and slogans, which would

shake the confidence of the litigants public in the system. It was further asserted that these advocates not only created terror, havoc and nuisance inside and outside the Court but also gave threats and adopted abrasive behaviour, use of disrespectful language. They had thumped the doors and tables in the court-rooms and also hurled the chairs kept inside the court-room in order to create a reign of terror. They also compelled the staff of the Court of the District Judge to leave the court-room, along with the case files under the reign of terror. They created a fear in the mind of the other Judicial Officers. The advocates remained present inside the court-room till 12.15 p.m. and stopped the District Judge from discharging any judicial work.

3. The District Judge has reported that the activities of the advocates complained of was only with a view to create fear in the mind of Judicial Officers and put a pressure not only upon the District Judge but also upon all the Judicial Officers so that they may pass order and judgment in their favour in the cases in which they had been engaged as counsel.

4. A Division Bench of this Court vide the order dated 3.6.2003 after perusing the report of the District Judge, Mainpuri as well as the news item reports published in Amar Ujala and Dainik Jagaran dated 6.5.2003 and also the report of the Administrative Judge concerned, prima facie being of the view that the actions complained of amounted to criminal contempt envisaged u/s 2(c) of the Contempt of Courts Act, 1971 and taking cognizance of the matter u/s 15 of the Act issued notice to the aforesaid advocates calling upon them to show cause as to why on the aforesaid allegations, proceeding u/s 17 of the Contempt of Courts Act be not initiated and charges be not framed against them.

5. Under the same order ensuring prevention of the recurrence of such incidents by the aforesaid advocates in future, direction was issued restraining them from entering into the Court premises of the judgeship of Mainpuri and the District Authorities were directed strictly to enforce the orders.

6. Thereafter, the advocates put in appearance before this Court pursuant to the notice. Fifteen advocates filed an application seeking exemption from personal appearance and vacation of the interim order who filed a common affidavit in support of the aforesaid application showing the cause. Out of the aforesaid advocates Avani Ranjan Misra alias Kukku Babu filed a separate application praying for discharge of the show cause notice. This application was supported by an affidavit wherein he had tendered unqualified apology. Pursuant to the order passed by this Court dated 22.7.2003, a fresh affidavit has been filed by 15 advocates, who were present in court and who had tendered unqualified apology in court which has been noticed in the order-sheet dated 22.7.2003. Another affidavit of Shri Suresh Singh Yadav has also been filed tendering unqualified apology.

7. We have heard the learned Counsel representing the contemnors.

8. It must be emphasized that brazenness is not outspokenness and arrogance is

not fearlessness. Use of intemperate language is not assertion of right nor a threat is an argument. Humility is not servility and courtesy and politeness are not lack of dignity. Self-restraint and respectful attitude towards the Court, presentation of correct facts and law with a balanced mind and without overstatement, suppression, distortion or embellishment are requisites of good advocacy. A lawyer has to be a gentle man first.

9. It should not be lost sight of that such behaviour and utterances as complained of cannot be tolerated as it undermines the Court's prestige and dignity and affects the working of the Court as it vitiates the atmosphere in which the Court normally functions. It has a direct impact on the Court's independence, dignity and decorum.

10. It may further be observed that such acts tend to overawe the Court and to prevent it from performing its duty to administer justice. Such conduct brings the authority of the Court and the administration of justice into disrespect and disrepute and undermines and erodes the very foundation of the judiciary by shaking the confidence of the people in the ability of the Court to deliver free and fair justice.

11. In the case of Shri Shitla Prasad Mishra, Advocate and 22 others, Criminal Contempt No. 25 of 1999 decided on 17.1.2003 by a Full Bench of this Court, it has been noticed that large number of incidents have been coming to the notice of this Court about the hooliganism of the lawyers of the district courts in the State and time had now come to take strong action in the matter and put down this hooliganism.

12. It was also indicated that if lawyers have any grievance against any particular Judge of the district court, it was always open to them to approach the District Judge or the Administrative Judge of the district in this connection but it is not open to them to take law in their own hands and misbehave with the Judges and indulge in hooliganism. However, taking into consideration the fact that the lawyers-contemners had been restrained from entering into court-room itself, with the result they could not practice in the Court which amounted to a punishment and further the fact that they had submitted unqualified apology by filing affidavits and also they had tendered apologies in Court, the Full Bench had directed the discharge of the notices against them subject to the condition that their conduct shall remain under the supervision of the District Judge for a period of 2 years and if they did any act against the dignity of the Court then necessary action will be taken against them.

13. Considering the facts and circumstances indicated hereinabove, the notices against the advocates- contemners are discharged with a severe warning that no misbehaviour of such kind will be tolerated directing further that their conduct shall be under the supervision of the District Judge, Mainpuri, for a period of 2 years. It is further added that in case they commit any act against the dignity of the Court, necessary action shall be taken against them.