

(1937) 11 BOM CK 0005

In the Bombay High Court

Case No : Criminal Revision Application No. 281 of 1937

The Government Pleader, High Court

APPELLANT

Vs

Shankar Dattatraya Javadekar

RESPONDENT

Date of Decision : 18-11-1937

Acts Referred:

Citation : AIR 1938 Bom 198 : (1938) 40 BOMLR 73

Hon'ble Judges : Wassoodew, J; John Beaumont, J

Bench : Division Bench

Judgement

John Beaumont, Kt., C.J.—This is an application by the Government Pleader praying that a rule may be issued against the opponent, Mr. Javadekar, editor and printer of a paper called Lokashakti, to show cause why he should not be committed for contempt of Court. The application is made under the Contempt of Courts Act of 1926. It appears that there had been some disturbance in Sholapur on June 23, 1937, and certain persons were to be charged with offences in connection with that disturbance. The principal charge against the respondent is that in the issue of his paper of June 30 he charged the police in one article with having endeavored to get some of the persons accused of taking part in this disturbance to admit their guilt, and when they refused, with having taken their signatures on blank sheets of paper ; and in another article with having brought pressure to bear on persons to be called as witnesses to these offences to give evidence favourable to the police, and it is said that when the proposed witnesses refused to agree to this course, they were kept without food until 5 o'clock in the morning. It is well settled that any act done or writing published which is calculated to obstruct or interfere with the due course of justice or the legal process of the Court is contempt of Court, although I quite agree that the Court will not take action for contempt unless it thinks that the conduct of the respondent is calculated seriously to interfere with the course of justice. Proceedings in contempt are not taken merely in respect of technical offences. In my opinion, however, to suggest in a newspaper article that evidence intended to be used in a prosecution which is either proceeding or is plainly contemplated,

has been obtained by improper means and is unreliable or to suggest that admissions by the accused have been improperly obtained is conduct calculated to interfere with the due course of justice. The allegations introduce at once into the trial an element of prejudice against the prosecution evidence. It is for the Court to consider whether the evidence adduced before it is reliable or not and it is very undesirable to have a discussion of that question in the public press before the case comes on for hearing. The respondent, however, has offered an unconditional apology for the articles complained of, and has explained that he did not intend in any way to prejudice the due course of justice. However, we think that his conduct certainly was of that character, but having regard to the apology, we think it unnecessary to inflict anything in the nature of a severe sentence. We make the rule absolute, and fine the respondent Rs. 100. No order as to costs.

Wassoodew, J.

2. I agree.