

(1996) 01 KAR CK 0060
In the Karnataka High Court
Case No : C.C.C. (Criminal) No. 13 of 1994

The High Court of Karnataka

APPELLANT

Vs

Prof. P.N. Shetty

RESPONDENT

Date of Decision : 19-01-1996

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 313

Citation : (1996) CriLJ 1747 : (1996) ILR (Kar) 685 : (1996) 2 KarLJ 137

Hon'ble Judges : J. Eswara Prasad, J;A.B. Murgod, J

Bench : Division Bench

Advocate : Sri. Bannurmah, HCGP, for the Appellant;

Judgement

1. These contempt proceedings arise out of the suo motu action taken by this Court, initiating Criminal Contempt Proceedings against the accused, by the order dated 26-10-1994 in I.A. II in Writ Appeal No. 2928/1991. While directing the posting of I.A. II for orders after the disposal of the Contempt Proceedings, this Court directed initiation of Criminal Contempt Proceedings against the appellant. The Court was of the view that the statement of facts contained in paragraphs 3, 4 and 5 of the application in I.A. II prima facie amounts to Contempt of Court. The Government Advocate was directed to appear assist and conduct the proceedings against the accused. The accused was directed to show cause as to why Criminal Contempt Proceedings should not be initiated. He was granted two weeks time for filing his reply.

2. The accused filed his reply and sought for adjourning the proceedings to some date in December, 1994. The proceedings were adjourned to 21-11-1994 by the order dated 7-11-1994. The proceedings were again adjourned to 19-12-1994 at the request of the accused by the order dated 23-11-1994. The accused made an application requesting for grant of time till 19-1-1995 for filing additional reply. Time was granted till 9-1-1995 on which date an additional reply was filed by the accused.

3. On 3-4-1995 after considering whether there is any prima facie case for framing charges against the accused, the learned Government Advocate and the accused were heard. It was found that prima facie case against the accused was made out and the proceedings were adjourned to 5-6-1995 for framing charges.

4. On 19-6-1995 charges were framed against the accused. They were read over and explained to the accused who pleaded not guilty. The case was posted on 12-7-1995 for evidence. On which date PW. 1 was examined on behalf of the complainant and the evidence by the complainant was closed. The accused requested for time for leading evidence and the case was posted to 20-7-1995. The accused filed a memo along with the list of documents and list of witnesses. He raised an objection that this court is performing the role of both prosecutor and deciding the case. This court over ruled the objection as the Contempt of Courts Act provides for the Court to decide the questions relating to contempt, even if the contempt is in relation to this court. It was held that the documents produced by the accused and the witnesses cited by him are not relevant for the purpose of deciding the question involved in the case and hence the request was rejected by the order dated 20-7-1995 and the case was posted to 7-8-1995, for the evidence of the accused. On 7-8-1995, the accused filed his written statement and the case was adjourned to 23-8-1995 for evidence, on which date, the Court was of the opinion that the statement of the accused u/s 313 Cr.P.C. has to be recorded. At that stage, the accused filed a memo requesting that the case may be transferred to any other Bench on the ground that he apprehends that the Bench comprising of Hon''ble Mr. Justice M. M. Mirdhe and Hon''ble Mr. Justice M. B. Vishwanath has made up its mind against the accused. The learned Judges rejected the insinuations made by the accused, but however directed that the records should be placed before the Hon''ble Chief Justice for directions. By the orders of the Hon''ble Chief Justice dated 23-8-95 the matter was heard by the same Division Bench and was posted to 25-8-1995, on which date, the accused was absent and a memo of the accused was considered and the proceedings were adjourned to 4-9-95. On the said date, the accused was present and his statement u/s 313 Cr.P.C. was recorded and he expressed his desire to lead evidence in his defence. On 8-9-1995, the accused was examined as RW. 1 and Exhibits R. 1 to R. 30 were marked. On 14-9-1995, further evidence of the accused was recorded. The accused raised objections relating to typing errors etc. The court recorded that the evidence of the accused was reproduced and was correctly typed in accordance with the statement. It was also noted that full opportunity was given to the accused in spite of his attempt to provoke the court from casting aspersions on the court from time to time. The accused was further examined and Exhibits - R. 31 and R. 32 were marked. When he submitted that his examination-in-chief is over, for cross-examination of the accused the case was posted to 22-9-1995. The case was posted to 13-10-1995 for evidence of RW-1, on which date, the matter had to be adjourned to 30-10-1995 as the accused sought time to move the Hon''ble Chief Justice for change of Bench comprising of Hon''ble Mr. Justice S. A. Hakeem and

Hon"ble Mr. Justice T. S. Thakur. On 7-11-1995 by the orders of the Hon"ble Chief Justice, the case was directed to be posted before this Division Bench. On 8-11-1995, the accused sought an adjournment and the matter was posted to 27-11-1995 at 2.30 p.m. as requested by him and the cross-examination of the accused was closed on that day and the case was posted for arguments on 4-12-1995 at 2.30 p.m. and was again adjourned to 12-12-1995 on which date, the learned Government Advocate was heard and the accused sought time for filing written arguments. The case was posted to 4-1-1996 on which date, the accused filed written arguments along with a memo, recapitulating his contentions. The learned Government Pleader was heard in reply and the accused stated that he has nothing further to argue and filed a memo to that effect and the matter was posted for pronouncement of Judgment to 19-1-1996.

5. The accused was employed with the Indian Telephone Industries Limited. He was aggrieved by certain orders passed by the said employer against him relating to his suspension, salary subsistence allowance and promotion etc. He filed W.P. 6340/91 against the actions of the employer and sought interim order which was rejected. Writ Appeal No. 2928/91 was also rejected. Thereafter allegations of contempt were made by the accused against the learned Judges, by writing a letter dated 2-12-1991 to the Hon"ble Chief Justice. The accused states that no further action was taken. The Division Bench directed by the order dated 26-10-1994 in I.A. II in Writ Appeal No. 2928/1991 to take action against the accused for criminal contempt.

6. The charge against the accused is that he made statements in the proceedings before this Court in Writ Appeal No. 2928/1991 in I.A. II in the said appeal, which tend to scandalise and lower the authority of this Court and that the said statements interfere or tend to interfere with due course of the judicial proceedings, which is punishable u/s 12 of the Contempt of Court's Act, 1971. The statements of the accused which amounted to contempt were set out in the charge. The accused pleaded not guilty to the above charges.

7. Sri A. B. Patil, Additional State Public Prosecutor examined Shri Vijayamurthy, Deputy Registrar as CW. 1 and he stated that he was authorised to depose in this case. Exhibit P. 1 is the authorisation letter. Exhibit P. 2 is I.A. II filed in Writ Appeal No. 2928/1991. Exhibit P. 2(a) is the signature of the accused in the said I.A. The accused did not cross-examine CW. 1.

8. The accused examined himself as RW. 1 and stated that he was employed in Indian Telephone Industry, Bangalore since the year 1983. He stated that he was victimised by the management and therefore he filed the writ petition No. 6340/1991. He deposed that he was forewarned of the intolerance of the Hon"ble Judges in general to any criticism of their judicial behaviour and that in spite of this forewarning he pursued his writ petition and the same was admitted. He says that he felt that Hon"ble Mr. Justice Shivaraj Patil echoed the sentiments of the Management when he was asked whether he was willing to go to Rai Bareli on transfer, that the learned Judge ignored his pleas and dictated the order

Exhibit R. 1 which was neither based on law nor facts. He preferred Writ Appeal No. 2928/1991 against the said order (appeal memo Exhibit R. 2). He further stated that Hon"ble Justice Rama Jois before whose Division Bench this writ appeal came up on 29-8-1991 started making remarks against him mentioned in Exhibit R. 3, leading to laughter by the persons present in the Court, which he felt, was at the misfortune of the High Court due to the misbehaviour of Justice Rama Jois, where Justice B. N. Krishnan was a mute spectator. The order of the Division Bench was marked as Exhibit R. 4. He felt that the behaviour of Justice Rama Jois amounted to Contempt of Court. Therefore he made a complaint in Exhibit R. 5 to the Hon"ble Chief Justice Barucha and the same was not acknowledged. The appeal was rejected by the order in Exhibit R. 6 Exhibit R. 7 is the proceedings in the appeal. He sent copy of Exhibit R. 5 to the President of India and Hon"ble Minister for Communication at the Centre, Exhibit R. 8 is the representation to the Chief Justice. He states that the dismissal of his appeal by the Division Bench on 2-12-1991 in Exhibit R. 6 is not only unlawful but also bore marks of committing fraud and did not pursue the matter further as he did not want to harm the judicial image of the High Court. He states that he got an impression from the behaviour of some Hon"ble Judges of this court including Hon"ble Mr. Justice Raveendran that the hearings of the writ petitions were going to be delayed unduly. Exhibit R-20 is the copy of the memo filed by him in the writ petition No. 6340/91 against the behaviour of Hon"ble Mr. Justice Raveendran. He further states that Hon"ble Mr. Justice S. A. Hakeem was instrumental in dismissing his writ appeal. He stated that he has graduated in Engineering and Post Graduate in Business Management from Indian Institute of Management in Calcutta and that he is a Professor in Business Management. He admits he knows the meaning of each one of the words used including the word "misbehaviour" and "misuse of position" and that he has put certain words in italics in para-6 of Exhibit P. 2 to emphasise that they were made to reveal the apparent fraud and to highlight the same, as the questionability of the judicial process was involved, they were put in single inverted commas. He asserts he has proof to prove the allegation of collusion between the Bench and the parties as seen from Exhibits R. 1 and R. 32 and that he has indicated the names of six learned Judges.

9. The learned Government Advocate submitted that the statements of the accused in I.A. II in Writ Appeal No. 2928/91 is aimed at scandalising the learned Judges before whom the accused was unsuccessful and the judiciary in general and he has aimed at lowering the prestige of the courts. He further contends that the object of the accused was to overawe the learned Judges dealing with his matters, so that they may issue orders in his favour and therefore, his statements interfere or tend to interfere with due course of judicial proceedings.

10. In reply, the accused submitted written arguments together with Annexure-A. 46 to A. 48. He has also filed a memo recapitulating his submissions.

11. That the accused has filed I.A. II in Writ Appeal No. 2928/91 is admitted by

him. The contents of the said I.A. are also admitted. He tries to justify the insinuations contained therein. The question therefore is whether the contents of I.A. II in Writ Appeal No. 2928/91 scandalise or tend to scandalise and lower the authority of the Court or interfere or tend to interfere with due course of the judicial proceedings.

12. The accused stated in the said I.A. that the Division Bench which heard Writ Appeal No. 2928/91 on 29-8-1991 conducted itself in an apparently contemptuous manner and passed an order allowing time for the appellant to react to its strange behaviour. It was further stated that the writ appeal was rejected and the Division Bench which heard the writ appeal had committed an apparent judicial fraud, perhaps, unprecedented in the history of judiciary in the country. It was further stated that the accused has reason to believe that the Division Bench chaired by the Hon''ble Chief Justice has passed the order as part of an apparent fraud committed to help the respondents to come out of a difficult situation. He asserted that the rejection of the writ appeal indicated that it was unlawful and appeared fraudulent.

13. The particular words in the above paragraph which, according to the learned Government Advocate scandalise or tend to scandalise the Court are underlined by us. Apart from this, the accused has put certain words such as order, Division Bench, chaired, rejecting, expert and heard, in inverted commas. The learned Government Advocate contends that the accused has put the said words in inverted commas which showed that he had utter contempt towards the proceedings of the Court.

14. In his written arguments dated 4-1-1996, the accused contends that Hon''ble Justice Shivaraj Patil apparently decided the matter in advance and he has grossly misused his position and that the said order was retrograde. He contends that the behaviour of Hon''ble Mr. Justice Rama Jois was not only irresponsible but also contemptuous, amounting to criminal contempt of the Court and that the visitors in the Court were witnessing the demolition of whatever credibility that the High Court had. He submits that no action was taken by Hon''ble Chief Justice Bharucha on his complaint against Hon''ble Justice Rama Jois for no legitimate reason and that it appeared to be something unprecedented in the judicial history. He further contends that the order in Writ Appeal No. 2928/91 appeared to be a fraud committed as a part of the conspiracy hatched by the respondent against him. He further submits that he observed certain behavioural tendencies of Hon''ble Justice S. A. Hakeem on various dates of hearing and that he is aware of the reasons for the Hon''ble Judges to make such barbaric malicious order in the writ appeal and that much damage was caused to the credibility of the highest judiciary by such judicial behaviour and by passing of such retrograde order. He further contends that judicial indiscretions committed by Justices Shivaraj Patil, Rama Jois, Bharucha, S. A. Hakeem and Srinivasa Reddy were so glaring, illegitimate and barbaric, that they had sent shock waves all around. The accused further contends that he had read stories about

the ways shyster Advocates and corrupt Judges generally worked and that the behaviour of the Hon"ble Judges, not only appeared to be corrupt, but also unlawful and scandalous. He submits that certain members of the judiciary are involved in lawlessness, misuse of position, power and abuse of the process of the Court. He contends that Hon"ble Justice S. A. Hakeem was accused of committing unlawful actions and committing an apparent fraud. He further contends that it is dangerous for any member of the judiciary to take shelter under contempt of Courts Act and that the Contempt of Court's Act is a law enacted to pamper the false ego of such naive members of the judiciary and/or to suppress people's right to question any irresponsible, corrupt, fraudulent, perverted, or other unlawful judicial behaviour of members of the judiciary. He contends that the action of the Division Bench is aimed at suppressing the facts about the misdeeds of certain Hon"ble Judges. The order in I.A. II was ill-motivated, immoral and illegitimate and is aimed at suppressing the right of the accused to freedom of expression. He further contends that the contempt proceedings are not maintainable and that he did not intend either to hurt the feelings of any Hon"ble Member of the judiciary or to lower the dignity or image of the judiciary in any way and that if he had hurt the feelings of any member of the judiciary, he expresses regret and tenders his apology.

15. In his memo of recapitulation of submissions dated 4-1-1996, he reiterated his contentions in the written arguments and asserts that the complaint against him is ill-advised, malicious, unlawful and not maintainable and that if the Court needs more proof, the witnesses listed in Annexures A-16 and document listed in Annexure A. 15 may be ordered to be produced in the court for examination.

16. The request of the accused for production of the witnesses listed in Annexure-A. 16 and the documents listed in Annexure-A. 15 filed along with the memo dated 20-7-1995 was considered by this court and was rejected by order dated 20-7-1995. The accused reiterates the same request in his recapitulation of submissions dated 4-1-1996. He wants to summon the Judges of this court and of the Madras High Court, against whom he made allegations leading to these proceedings and also to summon an Advocate of this court and the officials of ITI Limited mentioned in Annexure-A. 16. He also wants to summon orders of this court, complaint made against Judges of this court and memorandum of appeals and applications made by him, mentioned in Annexure-A. 15. Apart from the fact that this court had already rejected the said request, it is to be noted that the object of the accused is only to prolong the proceedings independently. As already held in the order dated 20-7-1995, it is not necessary to summon the documents and witnesses mentioned by the accused to decide the question involved in these proceedings as they are not relevant. The documents produced and filed by the accused are not relevant.

17. The question for consideration is very simple, namely, whether the accused committed Criminal Contempt of Court by making statements in paragraphs 3, 4, 5 and 6 in I.A. II in Writ Appeal No. 2928/1991 mentioned in the charge.

18. A perusal of the aforementioned paragraphs would show that the accused made allegations against the learned Judges comprising the Division Bench of this Court on 29-8-1991 for gross misuse of their position, power and that they conducted themselves in an apparently contemptuous manner, allowing time to him to react to their strange behaviour. The allegation of misuse of position and power by the learned Judges and their conduct was contemptuous and that their behaviour was strange, smacks of utter contempt. The allegation that the Hon"ble Chief Justice and the other learned Judge constituting the Bench by committing an apparent fraud, unprecedented in the history of judiciary, to say the least is aimed at scandalising the judicial process, simply because no orders favourable to the accused were passed by the Division Bench. The further allegation that the Division Bench committed fraud to help the respondents in the writ appeal to come out of a difficult situation are reckless statements which tends to scandalise and lower the authority of this Court. The accused has used inverted commas in mentioning certain words "order, Division Bench, chaired, rejecting, ex parte,". It reveals that the accused has put those words in inverted commas as a display of his utter contempt for the proceedings of the court and to ridicule the proceedings with a view to lower the authority of this court.

19. A perusal of the written arguments submitted by the accused on 4-1-1996 only shows that he reiterates his contemptuous attitude to the court. His allegation that the learned Judge hearing writ petition No. 6340/1991 apparently decided the case in advance and that he misused his position, that the order in writ appeal No. 2928/1991 is a retrograde order and the behaviour of the Judge was irresponsible and that the Advocates and visitors laughed at the statement made by Justice Rama Jois witnessing demolition of whatever credibility that the High Court had, is nothing but display of extreme Contempt of the Court. The contention that the order in the writ appeal appeared to be fraud committed as a part of conspiracy hatched by the respondents against him is a figment of his imagination. Reference to behavioural tendencies of Hon"ble Mr. Justice Hakeem and terming the order of the learned Judges as barbaric and malicious, damaging the credibility of the court beyond repair, reveal the utter depravity of the accused. Attributing corruption and misuse of position and power to the Judges who have not issued orders in his favour are aimed at scandalising the authority of this court and has a tendency to interfere with due course of judicial proceeding.

20. In his written submissions the accused alleges irresponsible, corrupt, fraudulent, contemptuous behaviour on the part of the members of the judiciary, as orders favourable to him were not issued. The contentions that the Judges who have not issued favourable orders are guilty of misdeeds and gross misuse of position and the action on their orders are immoral and illegitimate, are utterly baseless. The freedom of expression, as contended by the accused, cannot extend to scandalise the judiciary as a whole or the members of the judiciary as a whole or the members of the judiciary who have not issued order favourable to the accused, in particular. No such freedom of expression is recognised and the

accused cannot claim such a right to scandalise and hurl abuses against the Judges who do not issue orders in his favour. At the end of the written arguments, the accused made a feeble attempt to say that he expresses regret and tenders his apology if he had hurt the feelings of any member of the judiciary or tended to lower the dignity or image of the judiciary in any way.

21. It is to be noted that the accused is not an illiterate person. He is a Graduate in Engineering and a Post Graduate in Business Management as deposed by him as RW. 1. He is a Professor in Business Management and he stated that he knew very well what he has written. He has stated that he has proof to prove the allegation of collusion between the Bench and the parties. It is therefore, clear that he was well aware of the implications of the statements he made and the contentions he raised. He deposed that he reiterates whatever he alleged in the statement contained in I.A. II. He imputes all possible misdemeanours to the learned Judges who did not issue orders in his favour. Whenever an order went against him, the accused imagined that the Judges who issued the orders were corrupt and were colluding with the management. In saying that he has proof to prove allegations between the Bench and the parties, it is nothing but a desperate attempt to wriggle out of the situation. In *M.B. Sanghi, Adv. Vs. High Court of Punjab and Haryana and others*, , the Supreme Court observed as follows :-

"The tendency of maligning the reputation of Judicial Officers by disgruntled elements who fail to secure the desired order is ever on the increase and it is high time it is nipped in the bud

When there is a deliberate attempt to scandalise which would shake the confidence of the litigating public in the system, the damage caused is not only to the reputation of the concerned Judge but also to the fair name of the judiciary". Veiled threats, abrasive behaviour, use of disrespectful language and at times blatant condemnatory attacks like the present one are often designedly employed with a view to taming a Judge into submission to secure a desired order. Such cases raise larger issues touching the independence of not only the concerned Judge but the entire institution. The foundation of our system which is based on the independence and impartiality of those who man it will be shaken if disparaging and derogatory remarks are made against the Presiding Judicial Officers with impunity. It is high time that we realise that the much cherished judicial independence has to be protected not only from the executive or the legislature but also from those who are an integral part of the system. An independent judiciary is of vital importance to any free society."

22. The exact words uttered by the accused are reproduced in this Judgment, leaving no doubt that the intention of the accused was to cast aspersions on the integrity of the learned Judges and the judiciary and to lower the esteem of others by creating doubts regarding their honesty, judicial impartiality and independence. The tone, temper and contents of I.A. II, the written arguments and the evidence of the accused as RW. 1, particularly of the imputations

mentioned earlier, which impute malice, partiality and dishonesty to the learned Judges in the judicial adjudication constituting a deliberate attempt to scandalise the learned Judges to terribly embarrass them and to lower their authority of Office and the court squarely fall within the definition of Criminal Contempt.

23. As held by a Division Bench of this Court in *District Judge Vs. Ravindra Pai*, , the chief objective of the contempt proceeding is to deter a man from offering any indignities to the course of justice and the essential feature of the proceeding is the exercise of a summary power by the Court itself in regard to the delinquent. Having regard to the nature and character of the contempt committed by the accused, the scurrilous, offensive, intimidatory and malicious nature of the allegations made transgressing the limits of decency and beyond condonable limits, we feel the arm of law in the name of public interest and Public Justice must reach the accused with a deterrent punishment. He has challenged the supremacy of the administration of Justice and Rule of Law by making foul and malicious allegations against the learned Judges.

24. The accused contends that his allegations against the Judges amount only to a fair criticism and that he has a right of freedom of expression. As held in *Rama Dayal Markarha Vs. State of Madhya Pradesh*, . Such a criticism may fairly assert that the judgment is incorrect or an error has been committed both with regard to law or established facts. It is one thing to say that a judgment on facts as disclosed is not in consonance with evidence or the law has not been correctly applied. Ordinarily, the judgment itself will be the subject-matter of criticism and not the Judge. But when it is said that the Judge had a predisposition to convict or deliberately took a turn in discussion of evidence because he had already resolved to convict the accused, or he has a wayward bend of mind, is attributing motives, lack of dispassionate and objective approach and analysis and prejudging of the issues which would bring administration of justice into ridicule if not infamy. When there is danger of grave mischief being done in the matter of administration of justice, the animadversion cannot be ignored and viewed with placid equanimity. If the criticism is likely to interfere with due administration of justice or undermine the confidence which the public rightly repose in the courts of law as courts of justice, the criticism would cease to be fair and reasonable criticism. Nothing is more pernicious in its consequences than to prejudice the mind of the public against judges of the Court responsible for dispensing justice. The statutory law or the Constitution does not confer a right on persons to vilify Judge with vituperative language of a defeated party.

25. Having held that the accused is guilty of Criminal Contempt of Court, we proceed to examine the apology tendered by the accused in his written submissions. The accused is not remorseful of his actions and allegations. He asserts and reasserts his allegations at every turn, be it in his evidence or memorandum of written submissions or in his oral assertions and yet, he says that he tenders his apology if he has hurt any of the learned Judges. Such an apology is not an apology at all.

26. In L.D. Jaikwal Vs. State of U.P., , such an apology was described by the Supreme Court as a "paper" apology and was not accepted by saying :

"We do not think that merely because the appellant has tendered his apology we should set aside the sentence and allow him to go unpunished. Otherwise, all that a person wanting to intimidate a Judge by making the grossest imputations against him has to do is to go ahead and scandalize him, and later on tender a formal empty apology which costs him practically nothing. If such an apology were to be accepted, as a rule, and not as an exception, we would in fact be virtually issuing a "licence" to scandalize courts and commit contempt of court with impunity. It will be rather difficult to persuade members of the Bar, who care for their self-respect, to join the judiciary if they are expected to pay such a price for it. And no sitting Judge will feel free to decide any matter as per the dictates of his conscience on account of fear of being scandalized and persecuted by an advocate who does not mind making reckless allegations if the Judge goes against his wishes. If this situation were to be countenanced, advocates who can cow down the Judges, and make them fall in line with their wishes, by threats of character assassination and persecution will be preferred by the litigants to the advocates who are mindful of professional ethics and believe in maintaining the decorum of courts."

27. It is well settled that an apology is not a weapon of defence to purge the victims of their offence; nor is it intended to operate as a universal panacea, but it is intended to be the evidence of rule contriteness. Having regard to the gravity of the offence and the use of highly improper language towards the Judges in particular and the judiciary in general, we are of the view that the accused cannot be allowed to get away by simply feeling sorry by way of apology as the easiest way. Taking into consideration the facts and circumstances of the case and the fact that the accused is a well qualified persons and knows the implications of his actions and utterances, is prone to use contemptuous remarks against the Judges and the judiciary, we are of the opinion that this is not a case in which the apology tendered by the accused may be accepted.

28. In the facts and circumstances of the case and for all the reasons mentioned above, we feel that a deterrent punishment should be given to the accused and that he is not entitled to be let off leniently. We therefore convict the accused for criminal contempt and sentence him to undergo imprisonment for three months and to pay a fine of Rs. 1,000/-. In default of payment of fine, to undergo simple imprisonment for a further period of one month.

29. The accused made an oral submission that he intends to prefer an appeal to the Supreme Court against the Judgment and hence the sentence may be suspended for two months.

30. In the circumstances of the case, we suspend the sentence for a period of one month from today, at the end of which, warrant under Rule 16 will be issued, if no order of stay is received from the Supreme Court, and the accused to be

taken into custody.

Copy of the Judgment be furnished to the accused immediately.

31. Order accordingly.