

K.A. MOHAMMED ALI

v

C.N. PRASANNAN

OCTOBER 4, 1994

[MADAN MOHAN PUNCHHI AND
K. JAYACHANDRA REDDY, JJ.]

Contempt of Courts Act, 1971 :

Section 12—Advocate raising the pitch of his voice and annoying Magistrate—Also using derogatory language against the Magistrate—Afterwards circulating posters and staging demonstration—On report High Court taking action—Imposing fine—Ordering payment of certain sums to State Legal Aid Board—On appeal punishment limited to admonition—Payment of fine set aside—Order regarding payment to State Legal Aid Board maintained.

The Appellant, an Advocate was convicted by the High Court for committing Contempt of the Court of a Magistrate. The charges against him were raising the pitch of his voice to the annoyance of the Magistrate and using derogatory language against the Magistrate; he also got published and circulated certain posters and staged a demonstration. He was sentenced to pay a fine of Rs. 2000. The appellant was also ordered to pay sums of Rs. 5000 and Rs. 10,000 to the State Legal Aid Board. Hence these appeals.

Disposing of the appeals, this Court

HELD : 1. When the appellant was warned of his unruly behaviour, he should have stopped and gone in tune with the Magistrate and not retained a defiant and aggressive posture. [192-F]

2. Though the appellant is apologetic for his mis-behaviour, his apology at this belated juncture is not accepted. The appellant is admonished for his conduct under plenary powers of this Court under the Constitution. The payment of fine is set aside. However, the sums of Rs. 5000 and Rs. 10,000 which have been ordered to be paid by the appellant to the Kerala Legal Aid Board are meant for a good cause and those orders

A are maintained. [192-G-H, 193-A-B]

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 678 of 1991 etc.

B From the Judgment and order dated 14.3.91 of the Kerala High Court in C.C.C. No. 27 of 1989.

E.M.S. Anam for the Appellant.

G. Vishwanathan Iyer, S. Balakrishnan, M.K.D. Namboodri and R.Sasiprabhu for the Respondent.

C The following Order of the Court was delivered :

D These are two appeals by a learned advocate who stands convicted under section 12 of the Contempt of Courts Act for having committed the contempt of the court of a learned Magistrate before whom he was conducting a trial for an accused person. Amongst others, one of the charges against the appellant was that he had at a certain juncture raised the pitch of his voice unusually high to the annoyance of the Learned Magistrate, and besides, had used derogatory language against him. After the incident, the appellant got published and circulated certain posters and caused a demonstration staged which got reported to the High Court whereupon action was taken against the appellant.

E We have gone through both the judgments of the High Court and have heard learned counsel. We have no reason to disbelieve the learned Magistrate on the actual happenings, even though effort has been made by **F** Mr. Anam, learned counsel for the appellant to question the same. We are of the view that when the appellant was warned of his unruly behaviour, he should have stopped and gone in tune with the learned Magistrate and not retained a defiant and aggressive posture. It should be borne in mind by one and all that lawyers were created for the courts, not courts for the lawyers. The happy combination, whenever an aberration occurs, should in immediacy be restored and put to an even keel. **G** Mr. Anam with all his sincerity has expressed before us that the appellant is apologetic for his misbehaviour. We regretfully will not be able to accept his apology at this belated juncture, but would rather admonish the appellant for his conduct under our plenary powers under the Constitution, which we do hereby. **H** Having done so, we would set aside the payment of fine. The appellant

need not pay the imposed fine Rs. 2000 in Criminal Appeal No. 678 A of 1991. However, the sums of Rs.5000 and Rs. 10,000 which have been ordered to be paid by the appellant to the Kerala Legal Aid Board under orders under challenge in the respective two appeals are meant for a good cause and those orders we do not upset. This course should set everything at rest. The appeals are disposed of accordingly. B

G.N.

Appeals disposed of.