A.K.JAYASANKARAN NAMBIAR, J.
&
MOHAMMED NIAS C.P., J.

Cont. Case (Crl.) NO.4 OF 2022

Dated this the 21ˢᵗ day of February, 2023

O R D E R

A.K. Jayasankaran Nambiar, J.

Sri.Dheerendrakrishnan K.K., the Prosecutor is present and has submitted a preliminary witness schedule on behalf of the Prosecution. The respondent contemnor Sri.Nipun Cherian is not present before us today.

2.   There can be nothing more annoying to a court trying a contempt case than the wilful and continued absence of the respondent contemnor before it. Notwithstanding the stern warning that we had issued through our last order dated 8.2.2023, the respondent contemnor Sri.Nipun Cherian is not present before us today. We therefore direct the issuance of a non-bailable warrant, to the District Police Chief, Ernakulam, for the arrest and production of the respondent contemnor Sri.Nipun Cherian before this Court at 10.15 a.m on 28.2.2023, the next date of hearing.

3.   We might observe in this regard that the conduct of Sri.Nipun Cherian, against whom we had found a *prima facie* case for

proceeding under Article 215 of the Constitution of India read with the provisions of the Contempt of Courts Act, and who is facing trial in that regard, has been far from satisfactory. While we do not wish to speculate on the possible motives that may have informed his irresponsible conduct, we are given to understand, through the reports furnished by the Registry, that he has been repeatedly insisting that some of his party colleagues be allowed to accompany him to the hearings before this Court, and when denied that permission, he resorted to heated arguments with the security staff and other members of the Registry of this Court. All of this was notwithstanding the fact that he was permitted to appear before us either in person, or along with his lawyer and was also offered sufficient personal security in that regard. Such conduct on the part of litigants entering the premises of this hallowed institution, and especially from one who is already facing trial for criminal contempt of this Court, is wholly unacceptable and will not be countenanced under any circumstances.

4. The courts in our country are overly burdened with litigation and its Judges do not have the time to pander to such idiosyncratic behaviour of litigants. Our citizenry must realize that Judges in this country work under enormous pressure owing to the mounting

pendency of cases in our courts, and the infrastructural and other constraints that affect the justice delivery system. Despite that, and on account of their discipline and training as judicial officers, they do not react to uncharitable, and often unjustified, comments from the public about their judicial performance. Their restraint stems from the nobility that they possess. It is only when confronted with comments or remarks that go well beyond personal attacks, and have the propensity to defame or lower the esteem of the judicial institution itself, that they respond swiftly with the only weapon in their judicial armoury – the proceedings for contempt of court. Even on such occasions, their efforts are directed solely at preserving the majesty of the judicial institution and ensuring that the misconceived actions of some do not destroy the faith of the majority in an institution that has for long remained the last bastion of hope against rights infringement for our citizens.

5. While cautioning the respondent contemnor in this case, as also his colleagues and followers, against any ill-advised action during the pursuit of litigation, we might also clarify that it is not with any sense of pride or megalomania, but with a heavy heart and a feeling of exasperation, that we have ordered for the arrest and production of

the respondent contemnor before this Court on the next date of hearing. We do hope that the occasions will be rare, where we are constrained to pass such orders.

Post on 28.2.2023.

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Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
MOHAMMED NIAS C.P.
JUDGE

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prp/21/2/2023