

Court No. - 46

Case :- CONTEMPT APPLICATION (CRIMINAL) No. - 16 of 2023

Applicant :- In Re

Opposite Party :- Santram Rathore

Counsel for Applicant :- Suomoto

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Aftab Husain Rizvi,J.

Additional Chief Judicial Magistrate-II, Pilipbit has sent reference dated 12.7.2023 to this Court in respect of court proceeding of the same date. It is reported that Case Crime No.194 of 2009 (State Vs. Raj Kumar Rawat), under Section 498-A, 323, 352, 506 IPC read with section 3/4 Dowry Prohibition Act was listed for cancellation of bail granted to accused Raj Kumar Rawat. The opposite party Santram Rathore was representing the first informant. The opposite party enquired as to why so many police personnel are present in court, on which the presiding officer informed that accused has expressed threat to his life, as he has been roughed up in court earlier also and on his request police personnel have been deployed. The contemnor opposite party got enraged and made highly derogatory comments against the court and also stated that the presiding out has colluded with accused by availing gratification. While this reference was pending, another incident is reported to have occurred in the same court on 26.7.2023, when certain lady advocates as well as students of a law college held a protest outside the court and made derogatory remarks against the presiding officer. The opposite party was apparently trying to pressurize the judicial officer concerned to withdraw the reference made earlier by him. The presiding officer has also reported in his reference that the contemnor made statements in court that he has faced contempt proceedings earlier also and he does not care for the contempt proceedings initiated against him.

On the basis of allegations contained in the reference made by the presiding officer, we find that, prima facie, a case for initiating the criminal proceedings under Section 2(c) of the Contempt of Courts Act, 1971 is made out against the aforesaid person.

Issue notice to opposite party Santram Rathore, Advocate, to show cause as to why contempt proceedings should not be initiated against him under Section 2(c) of the Contempt of Courts Act,

1971 for creating obstruction in the proceedings of the court, misbehaving the court, using abusive and derogatory language, scandalizing the court etc.

List after service of notice, on which date reply may be filed through a counsel.

Registry while issuing the notices, within a week, will ensure that a copy of the reference written by presiding officer concerned is also sent along with the notice.

In the facts of the case and also considering the persistent act of alleged contempt on part of the opposite party contemnor, we restrain the opposite party from entering the court premises or practicing in District Judgeship, till the next date of listing. The contemnor shall also remain present in Court, on the next date fixed in the matter.

Sri Sudhir Mehrotra has appeared for the Court and his name will be shown in the cause list, whenever the matter is listed next. The Registry is also directed to handover a complete set of records to Sri Mehrotra, within three weeks.

Order Date :- 29.8.2023

Anil