

In the court of the Principal District & Sessions Judge, Thoothukudi
Present : Thiru N.Logeswaran, M.A.B.L.,
Principal District & Sessions Judge, Thoothukudi
Tuesday the 9th day of June 2020
M.C.No. 1/ 2020

The Principal District & Sessions Judge,
Thoothukudi

.. Complainant

Vs

Thiru G.Samwell Rajendran, B.A.B.L.,
Advocate, Thoothukudi

.. Accused/Respondent

Order passed under section 228 of IPC r/w.345 CRPC against the accused

Facts of the case and the offence committed by the Advocate: -

The entire world is affected by Covid-19 Pandemic situation and the curfew has been imposed by the State to control the situation. This court is hearing the bail applications through Video Conferencing and Whatsapp Video call and the virtual courts are being need of the hour in the extraordinary circumstances. On 08.06.2020 , while this court was hearing the bail applications through Whatsapp video call, around 11.45 A.M. in Cr.M.P. No.1615/2020 and 1616/2020 Advocate Mr.Samwell Rajendran who

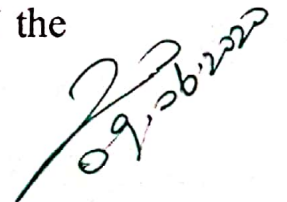

09/06/2020

was appearing on behalf of Advocate Mr.Raja has suddenly uttered the following words " புண்டாமகன் எப்படி காரை ஓட்டிட்டு போறான் பாரு" and this was also witnessed by the Learned Public Prosecutor Mr.Andrewmani , the Stenographer Tmt. Vijayakumari , the Protocol Officer Tr. Kadarkarai Thangam, and the System Analyst Tr. Suresh . Except the Public Prosecutor who was attending the bail applications from his office through Whatsapp Video call , all the above mentioned staffs have given a written report about the incident .Further after the completion of the hearing of all the bail applications and dictation work , it was brought to the knowledge of the court that the above said Advocate Mr.Samwell Rajendran has sent a e-mail to the Bar Council of Tamil Nadu and Puducherry and this court by stating that he was practicing Advocate for the past 30 years and also served as Government Pleader . He has further stated in the e-mail the occurrence did not happen in due courts by forgetting the fact the virtual courts are functioning as per the direction of Honourable Supreme Court of India and Honourable High Court of Madras. This court is of the view even an uneducated Village man will not utter the above said filthy language in a public place and the uncivilised ,



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offensive, intimidatory words used by Advocate Mr.Samwell Rajendran clearly shows that he has prima facie committed the offence in the Judicial proceedings. This court has power under section 228 of Indian Penal Code read with Section 345 of Criminal Procedure Code to act as complainant , Prosecutor and in view of the above provisions of law this court has initiated legal proceedings against the Respondent in a summary nature by issuing show cause notice to him. For the show cause notice , the contemnor Advocate Mr.Samwell Rajendran has given reply to the Process Server Tr. Asirwatham posted in the closed main gate of the Combined Court building around 5.15 p.m. Since as a Principal District Judge, the received Tapals were perused and the daily bail orders were signed after 6.00 p.m. , the Staffs were sent to their home in the Covid-19 Pandemic situation. Hence the reply given by the Contemnor is perused today and this court is of the view that the explanation given by the Contemnor is not satisfactory because the words uttered by the Contemnor Mr.Samwell Rajendran (" புண்டாமகன் எப்படி காரை ஓட்டிட்டு போறான் பாரு") is intentional insult in the course of the

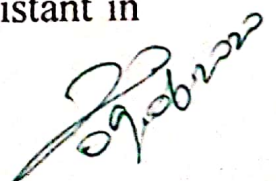
A handwritten signature in black ink, followed by the date '09/06/2022' written in a similar style.

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Judicial Proceedings while hearing the bail applications . Further on the face of the utterance of filthy language used by the Contemnor this court is of the view an Advocate with 30 years of experience in the Judicial Proceedings would never utter such insulting words. Hence from the above mentioned facts and circumstances of the case, this court finds that the accused has insulted the Principal District Judge sitting in the Judicial Proceedings during working hours and committed an offence under section 228 of Indian Penal Code.

In the result, for the offence committed under section 228 of Indian Penal Code , a fine of Rs.200/- is imposed on the accused to be paid by him on or before 10.06.2020 before 5.30 p.m. failing which the accused shall undergo simple imprisonment for One month and warrant shall be issued immediately. The copy of the Order is sent through e-mail and the Whatsapp Number of Advocate Mr.Samwell Rajendran and further uploaded in the Official Web site of the District Court.

Dictated by me and directly typed by the A1. Assistant in

Handwritten signature and date: 09.06.2020

the Computer and corrected and pronounced in the virtual court proceedings on this the 9th day of June 2020.


Principal District Judge,
Thoothukudi

Court Exhibits :-

- Ex.C1. The Written report given by the Stenographer
- Ex.C2. The Written report given by the System Analyst
- Ex.C3 The Written report given by the Protocol Officer
- Ex.C4 Show cause notice issued by this court to the Respondent Advocate Mr.Samwell Rajendran

Respondent side documents :

- Ex.R1 Reply to Show cause notice dated 08.06.2020

Copy humbly submitted to :

- 1) The Registrar General, Honourable High Court of Madras, Chennai.
- 2) The Registrar, Vigilance, Honourable High Court of Madras, Chennai

Copy to :

The Chairman, Adhoc Committee, Bar Association, Thoothukudi