

11
% 10.11.2009

Present: Court on its own motion.
Ms.Meera Bhatia, Advocate for the Respondent.

Crl.M.A.13045/2009

Heard.

For the reasons stated in the application, the order directing issuance of NBWs against the contemnor vide Order dated 09.10.2009 is recalled and the application is allowed.

+ Cont.Case (Crl.) No.13/2009

* The contemnor filed Contempt Case Civil No.445/2009 against the Union of India and Ors. Learned Single Judge in terms of the Order dated 15.05.2009 found that the averments made in the contempt petition were scandalous as well as prejudicial and lowered the authority of the court and interfered/obstructed in the administration of justice and proceeded to issue notice of criminal contempt against the contemnor. It is in pursuance to the said order that the present contempt petition was registered.

In terms of the order dated 06.07.2009, we found that the contemnor had made scandalous allegations against all and sundry including judges of this Court. He had earlier been sent behind bars for contempt of court. We had lingering doubt about the mental condition of the contemnor and thus we directed that he should be admitted to Indian Institute of Human Behaviour and Allied Sciences and directed the Medical Superintendent of the same to carry out a complete check-up of the contemnor in terms of the Order 06.07.2009.

A report was subsequently submitted and the Medical Board opined that there is no evidence of psychiatric disorder, but the contemnor has prominent anankastic (Obsessional) and paranoid personality traits. A counsel appeared for the contemnor on 01.09.2009 when time was taken

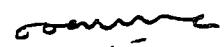
to file appropriate affidavit on behalf of the contemnor. The said affidavit, affirmed on 05.11.2009, has now been filed.

The contemnor has tendered apology in respect of the statement made in Cont. Case (C) No.445/2009 and rejoinder to the same dated 06.07.2009 and seeks to withdraw the contempt petition. The contemnor further tenders apology for any other act that can affect the dignity of the Court and he has undertaken not to do any act that can affect the dignity of the Court.

Despite the past conduct of the contemnor, in view of the report of the Medical Board and the apology now tendered by the contemnor which includes undertaking given by the contemnor not to conduct himself in a manner which would affect the dignity of the Court in future, we are inclined to take a lenient view of the matter.

We want the contemnor to be careful in future since any such future conduct of the contemnor would invite more serious consequences and thus issue a warning.

We dispose of the contempt petition with the aforesaid directions/observations.


SANJAY KISHAN KAUL, J.


AJIT BHARIHOKE, J.

NOVEMBER 10, 2009
dm