

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2014

CORAM

THE HON'BLE MR.JUSTICE N.PAUL VASANTHAKUMAR

and

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

Suo Motu Contempt Petition No.2303 of 2014

M.Ahamed Shajahan ... Contemnor

Suo Moto Contempt Proceedings initiated against the Contemnor herein as per minutes of the Hon'ble Administrative Committee, High Court, Madras dated 30.06.2014, for using unparliamentary words against Tmt.R.Girija Rani, formerly Judicial Magistrate, Tiruchengode (now Judicial Magistrate, Fast Track Court at Magisterial Level, Poonamallee).

For Contemnor : Mr.S.Prabhakaran

for Mr.B.Vasudevan and

Mrs.Sumithra Vasudevan

O R D E R(Order of this Court was made by **M. SATHYANARAYANAN, J.**)

Tmt.R.Girija Rani, formerly Judicial Magistrate, Tiruchengode, now Judicial Magistrate, Fast Track court, Poonamallee, has addressed a letter to the Registrar General of this Court on 21.01.2013, stating that an

Advocate, namely Mr.M.Ahamed Shahjahan, a member of Salem Bar, has presented a surety memo on 21.01.2013 for the

accused concerned in Crime No.1267/201, namely Mathiyalagan. After the lunch hours when the work was resumed, the above said Advocate used the following unparliamentary words :

உன்னோட Duty hours என்னு தெரியாதா?

ஒழுங்காக வேலை செய்ய தெரியாதா? உனக்கு யார் வேலை சொல்லிக் கொடுத்தா”

The learned Magistrate further stated that after verification, the sureties were rejected on merits and once again, the said Advocate starting abusing with the following words:

“நீ மக்கள் வரிப் பணத்தில் சம்பளம் வாங்குற, என் வேலையை உனக்கு காட்டுகிறேன். நான் High Court.ல் Registrar Generalக்கு பெட்டிசன் எழுதி உன்ன ஒழிச்சு கட்டுறேன் ”

Since the learned Magistrate felt that the above said unparliamentary words uttered by the Advocate Mr.M.Ahamed Shahjahan, amounts to lowering the dignity of the Court and also amounts to interference in the administration of justice and Court process, submitted the said letter for taking necessary action against the Advocate, by addressing the Bar Council of Tamil Nadu and to forward a detail report to this Court.

2. The said letter was forwarded through the learned

<https://hcservices.ecourts.gov.in/hcservices/>

Chief Judicial Magistrate, Namakkal to the Registrar

General of this Court and that apart the Assistant of the Judicial Magistrate Court, Tiruchengode has also lodged a complaint against the said Advocate on the file of the Tiruchendoge Police Station, based on which, the Crime No.78/2013 was registered on 24.01.2013 for the alleged commission of offences under Sections 189 and 506(i) IPC. The Registrar General of this Court, on receipt of the said representation through proper channel, has submitted a note to the Hon'ble The Acting Chief Justice on 28.02.2013 and the Hon'ble The Acting Chief Justice directed the matter to be placed before the Hon'ble Administrative committee, vide order dated 08.03.2013. The said subject was placed in the meeting of the Hon'ble Administrative Committee held on 30.06.2014 and it was resolved to direct the Registrar General of this Court to initiate *Suo Motu* Contempt Proceedings against the Advocate concerned. In terms of the said resolution, *Suo Motu* Contempt Petition No.2303/2014 was registered and it was listed before this Court on 14.11.2014 and this Court ordered notice returnable by 12.12.2014 and on that day, service was not completed and therefore, directed to be called by next week (today).

3. When the matter was called today, Mr.S.Prabhakaran, learned counsel appearing for M/s.B.Vasudevan and Sumithra Vasudevan, entered appearance on behalf of the contemnor and on instructions would submit that the contemnor has

tendered unconditional apology and also undertaking to file an affidavit to that effect. The matter was passed over and thereafter called subsequently and the contemnor has filed an affidavit dated 19.12.2014 and in para 3 of the affidavit, the contemnor would state that he is withdrawing all the allegations made against the learned Judicial Magistrate, Tiruchengode and would further state that in his entire career, there is no remark against him and he is having great respect to the Hon'ble Courts and continue to obey the rule of law. The contemnor would further aver that he is having two school going children, aged mother and wife and all are depending on him and prayed to the Hon'ble Court to accept his unconditional apology and drop the *Suo Motu* Contempt proceedings.

4. Mr.S.Prabhakaran, learned counsel appearing for the contemnor would submit that the Advocate got enrolled in the year 2004 and on a fit of rage, has uttered some unparliamentary words against the Presiding Officer of the Judicial Magistrate Court, Tiruchendoge unintentionally and since the sureties submitted by him was taken up belatedly and subsequently, those sureties were rejected and on account of the same, the concerned accused continue to be in incarceration. It is the further submission of the learned counsel appearing for the contemnor that the contemnor has realized his mistake and also tendered his

unconditional apology and also assured that he will not indulge in similar kind of acts in future. It is further submitted by the learned counsel appearing for the contemnor that the contemnor has 10 years of Bar experience and considering his family circumstances, the unconditional apology may be accepted and in the event of its non-acceptance, his entire career would be ruined, which would adversely affect his family also. The contemnor, who is present before his Court, once again tendered his unconditional apology and stated that he has realized his mistake and assured that he will not indulge in such kind of activities in future.

5. This Court also administered warning about his conduct and further told him that if he indulge in such kind of activities in future, the consequences would be severe, which may prejudice his career also.

6. The learned counsel appearing for the contemnor would submit that on the basis of the acts committed by the Contemnor before the learned Presiding Officer of the Judicial Magistrate Court, Tiruchengode, the Assistant attached to the said Court has lodged a complaint, based on which an F.I.R. came to be registered against the contemnor and therefore, he may be permitted to work out his ready

with regard to the registration of the criminal case based on the order passed in the *Suo Motu Contempt* petition.

7. This Court paid its best attention to the submissions made by the learned counsel appearing for the contemnor and the contemnor, who is present before this Court and also his undertaking that he will not indulge in any such activities in future against any Presiding Officer. This Court also gone through the contents of the F.I.R and taking into consideration that the offences are punishable in nature, grants liberty to the contemnor to work out his remedy in accordance with law with regard to the registration of the F.I.R, based on the orders to be passed in the *Suo Motu Contempt* Petition.

8. This Court, after hearing the submission made by the learned counsel appearing for the contemnor and the unconditional apology and the undertaking given by the contemnor, is of the view that on account of fit of rage and without knowing the consequences, the contemnor has made allegations against the Presiding Officer, which tantamount to garnishing the image and undermining the majesty of the institution and having taken note of the unconditional apology tendered by the contemnor, the undertaking given by the contemnor and considering his family circumstances and his future career, is accepting the affidavit dated 19.12.2014 and the unconditional

apology tendered by him. However, it is also made clear that this order cannot be construed that this Court has shown leniency to such activities indulged by any practising Advocate. It is to be pointed out at this juncture that Bench and Bar are the two sides of the same coin and unless they show mutual respect to each other, the institution cannot survive and the majesty and dignity of the institution depends upon the behaviour of the lawyers and respect they show to this institution.

9. In the light of the above, we are closing this *Suo Motu* Contempt Petition by granting liberty to the contemnor to work out his further remedy in accordance with law with regard to the registration of Crime No.78/2013, on the file of the Tiruchengode Police Station, based on the orders passed in the *Suo Motu* Contempt Petition.

Jvm

SD/-

सत्यमेव जयते DEPUTY REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

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COURT OFFICER (O.S.)

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(CO)/20/01/2015

To
The Registrar General,
High Court, Madras.