

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.03.2015

CORAM:-

THE HONOURABLE MR. **JUSTICE S.NAGAMUTHU**

Suo motu Contempt Petition No.715 of 2015
in
Appeal Suit No.159 of 2013

Vijayakumar ... Contemnor

ORDER

The A.S.No.159 of 2013 was taken up for hearing today by this Court. The learned Counsel on record Mrs.Vanathi Srinivasan was assisting the learned Senior Counsel Mr.S.V.Jayaraman, who argued the case on behalf of the appellant. Mr.Vinothkumar, the learned Counsel for the respondent also argued for the respondent. The matter was heard for quite some time. Thereafter, the judgment was dictated in Open Court orally.

2. When the proceedings came to an end, it was reported to the Court by Mr.Srinath Sridevan, the learned Counsel, who was waiting for his turn to argue his case that one man was found inside the court hall recording the entire proceedings in his cell phone. It was then ascertained that the person who was so recording was one

Mr.Vijayakumar, who happens to be the son of the appellant in A.S.No.159 of 2013. He is a resident of No.2/533, A10,

MIG Quarters, Mookandapalli, Hosur-635 126 (Mobile No.96599 49909).

3. On enquiries, Mr.Vijayakumar confessed in Open Court that he recorded the entire proceedings of the court in his cell phone. In the presence of the Counsel on either side and the Counsel Mr.Srinath Sridevan, the cell phone was recovered from him. The cell phone was operated by him and it was ascertained that he had recorded the entire proceedings of the court in the cell phone.

4. The learned Counsel Mr.Sriniath Sridevan submitted that it was improper on his part to have recorded the entire proceedings of the Court and the same would amount to interference with the administration of justice. The learned Counsel Mr.Srinath Sridevan would further submit that since it relates to the proceedings of the Court and serious violation has been committed by Mr.Vijayakumar, the matter should be seriously viewed and he should be punished for having committed contempt of court.

5. Mrs.Vanathi Srinivasan, the learned Counsel for the appellant would also submit, in all fairness, that Mr.Vijayakumar, who is the son of the appellant and who has committed the above wrong in Court, needs to be dealt with in accordance with law.

6. Mr.S.Raghunathan, the learned Senior Counsel, who was present in Court would also express his views that

Mr.Vijayakumar should be dealt with very seriously by this Court and he should be accordingly punished. Mr.Thiyagarajan, the learned Senior Counsel, who was also present in Court, would submit that he should be punished. However, he would submit that in a similar situation, in yet another matter, this Court has taken a lenient view to admonish the contemnor after seizing the instrument.

7. Having considered all the above facts and circumstances, this court initiated this suo motu contempt proceedings against Mr.Vijayakumar.

8. Mr.Vijayakumar was called upon to submit his explanation, if any, in respect of the accusation made against him. He would submit that his father is the appellant in this appeal and in order to inform him about the proceedings of the Court, he innocently, without knowing the consequences, recorded the entire proceedings of the Court for which he tendered his unconditional apology. He has also undertaken to file an affidavit in this regard. He would further submit that since he has committed this wrong without knowing the consequences, he pleads for lenient view and to admonish him. He would also submit that the Cell Phone may be destroyed after returning to him the Sim Card alone by way of punishment.

9. Mr.Murali and Mr.Vijayakanth, the System Officers of National Information Centre attached to this Court, after having examined the Cell Phone, would submit that the

recording is found only in the Cell Phone Memory and even if it is erased, it can be retrieved at any stage by using technology. They would suggest that the Cell Phone needs to be therefore destroyed. The said statement is recorded.

10. I have considered all the above facts and the submissions made by all the Counsel, the statement made by the Contemnor and the statement made by the System Experts.

11. I am of the firm view that recording the proceedings of the Court without permission would amount to serious interference with the administration of justice. The conduct of the contemnor/Vijayakumar is serious for which the same needs to be deprecated and the he requires to be punished. At the same time, since he apologized for his conduct and since he assured the Court that he would not repeat such kind of wrong in future, hoping that the Contemnor will not indulge in such kind of activities in future, as a measure of compassion, I am inclined to take a lenient view in this matter and admonish him, however, by impounding the Cell Phone with a direction to the Registry to destroy the same forthwith after returning to him the SIM Card as well as the Battery. The Contemnor accepts the said punishment.

12. Accordingly, the contempt petition is ordered as follows:-

(i) *The Contemnor Mr.Vijayakumar is found guilty of contempt. The unconditional sincere apology tendered by*

him is accepted and he is admonished;

(ii) The Sim Card and the Battery found in the Cell Phone are returned to Mr.Vijayakumar in Open Court;

(iii) The Cell Phone instrument is impounded with a direction to the Registry to destroy it forthwith leaving no room for retrieval of the recorded proceedings; and

(iv) The Contemnor shall file an affidavit forthwith before the Registry thereby undertaking that he will not indulge in such kind of activities in future.

13. After the order was dictated, the Contemnor submitted that he does not intend to go an appeal against this order. Therefore, he would submit that the instrument may be destroyed immediately.

tsi

SD/-

सत्यमेव जयते
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/25/11/2015