

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

Suo-motu Contempt Petition No.954 of 2015

V.K.Arivazhagan ... Contemnor

The suo-motu contempt proceeding initiated against the contemnor as per office Note No.ROC No.1826/2015(OS) dated 24.04.2015.

For Contemnor : Mr.Vijayanarayan, SC
for Mr.K.Chandramohan

ORDER

(Order of the Court was made by **SATISH K. AGNIHOTRI, J.**)

On the basis of the communication dated 4th March, 2015 addressed to the Registrar General of this Court, the instant contempt petition was registered.

2 The facts as narrated in the said communication reveals that on 27th February, 2015, the alleged contemnor barged into the court room of the Chief Judicial Magistrate, Namakkal, shouted at him and used indecent, invectives and obnoxious language. It was further stated that the judicial proceedings came to a halt and despite

all endeavours made by the Chief Judicial Magistrate, the alleged contemnor continued with the same behaviour, causing obstruction in the administration of justice. Being aggrieved, aforestated communication, narrating the entire facts, was sent to this court, which was registered and taken under the provisions of Section 10 of the Contempt of Courts Act, 1971.

3. Pursuant to the notice, the alleged contemnor has filed an affidavit, tendering an unqualified and unconditional apology, submitting that the incident had taken place on spur of moment without any design, for which he regrets and further submits that such an incident would never occur in future. On the basis of the aforestated affidavit, a report was called for from the concerned Chief Judicial Magistrate. The Chief Judicial Magistrate, in his report dated 29.06.2015, submitted as under :

"Since, Mr.M.K.Arivazhagan, Advocate, as a leader of the Bar, realized his mistake and tendered an unconditional apology for the same and also assured that such incidents do not occur in future, for smooth function of the Bar and Bench and upkeep the harmony, his apology may be accepted and further proceedings may be dropped as prayed for by him or may pass any orders deem fit in the circumstances."

The alleged contemnor is a practising Advocate in the District Court and is also an elected President of the Bar.

4. Thiru Vijayanarayan, the learned Senior Counsel appearing for the alleged contemnor submits that the incident was unfortunate and the same deserves deprecation. However, the alleged contemnor had realised his mistake and

seeks forgiveness for such an act. The learned Chief Judicial Magistrate has also accepted the apology and submitted for closing the contempt proceedings against him in the interest of relationship between the Bench and Bar and primarily for administration of justice.

5. The alleged contemnor is present in court and reiterates unqualified and unconditional apology for the incident. In such view of the matter, where there is no dispute with regard to the incident and also the alleged contemnor accepts his misdemeanour, we are of the considered view that the unqualified and unconditional apology be accepted with a warning to the alleged contemnor not to recur the same incident in future. Accordingly, it is accepted and the contempt petition is closed. No costs.

vvk

SD/-

DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

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