

IN THE HIGH COURT OF JUDICATURE AT PATNA
Or. Criminal Miscellaneous (DB) No.4 of 2014

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In Ref: Suo Moto Contempt by the High Court of Judicature at Patna
through its Registrar General, High Court Petitioner

Versus

1. Shri Dhirendra Kumar, Son of at present not known, however, residing
at 181, M.I.G. House, Hanumannagar, P.S. Patrakar Nagar, District :
Patna
2. The State of Bihar through the Advocate General Respondent

Appearance :

For the Petitioner	:	Mr. Mrigank Maoli , Advocate Mr. Sanket, Advocate Mr. Prince Kumar, Advocate
For the Respondents	:	Mr. Dihrendra Kumar (in persons)
For the State	:	Mr Chittaranjan Sinha, Sr. Advocate PAAG 2 : Mr. Sudish Kumar AC to PAAG 2

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

8 15-11-2016

With regret, we have to note that the conduct of the
contemnor, who professes to be an advocate and practitioner of
more than 35 years of practice in the Civil Court, the High Court
and the Supreme Court.

We have suo moto instituted the criminal contempt
and he has been noticed by the Court. In the show cause that was
filed by him he had tendered unqualified apology. There was
justification for his conduct, the apology being unqualified the
same was rejected though the contemnor is practicing since long
and being aware that these are criminal contempt proceedings,
neither he appeared in person nor sought him to be exempted
from the personal appearance as required under the Patna High
Court Rules. Accordingly, on the last date we have no option but
to direct the Superintendent of Police to executeailable warrant

of arrest issued by this court for his production. Accordingly, today he appears in the Court. He has filed a supplementary show cause stating therein that as he was ill on the last dates i.e. on 8th & 9th November, 2016 and as such he could not appear.

We are not satisfied about the bona fide of such pleas, inasmuch, if it professes that he has been practicing in this Court for 35 years and being aware of the proceeding, he could have requested any of his friends amongst thousands, who are here, to mention the matter. When we issued bailable warrant for his appearance he surrendered before the Court of Chief Judicial Magistrate and gave an undertaking to appear before this Court.

We may note with regret, that earlier, in another proceedings before the Division Bench of which one of us was member being M.J.C. No. 481 of 2014 by order dated 11.09.2015 we had held him guilty for contempt and it is only on persuasion of the learned Senior counsel of this Court he was left with warning that if in future his conduct is questioned again we would take drastic action including cancellation of his certificate of practice and convict him.

Today again the contemnor tenders unqualified apology and submits that the present proceeding relates to the matter prior to the aforesaid Division Bench order. He submits that after the Division Bench order, as noticed above, he has not done anything for which compliant can be made. He tenders unqualified

apology and prays that he being a sick man aged about 73 years may be excused.

We are satisfied that Sri Dhirendra Kumar, Advocate, who writes his name as Dhirendra Kumar Gupta and at other places Dhirendera Kumar Singh as also Kumar Dhirendra Pratap Singh, is guilty of criminal contempt and there can be no exception to consider the apology tendered.

We do not propose to punish him with any further punishment for the time being. He would continue on probation of good conduct so long as he is a member of the Bar.

With the above observation the matter is disposed of.

Let a copy of this order be sent to the Bihar State Bar Council, Bar Council of India as also to the District & Sessions Judge, Patna.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Rajiv/abhay

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