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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.C.REF. 1/2013**

COURT ON ITS OWN MOTION Petitioner
Through : Mr. Dayan Krishnan, Senior Advocate
(Amicus Curiae) with Ms. Aakashi
Lodha and Ms. Vedika Mittal,
Advocates.

Versus

PRADEEP BANSAL Respondent
Through : Mr. Jitender Sethi and Mr. Akash
Sharma, Advocates.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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13.05.2016

1. A reference was made by the Additional Sessions Judge for initiation of contempt proceedings against the respondent Pradeep Bansal. Notice to show cause was issued. Reply has been filed.
2. We may notice that as per the order of reference, the matter was listed before the Court of the Additional Sessions Judge on 01.03.2013 in Session's Case No. 7/13 arising out of FIR No. 111/1994, Police Station – Greater Kailash, New Delhi. Further, as per the order of reference when the matter was listed on 01.03.2013, a request was made for an adjournment by the respondent on the ground that he has filed an application before the High Court seeking transfer of the case. The case was

adjourned to 04.04.2013, however, respondent Pradeep Bansal came to the *dias* and started shouting that the matter could not be fixed for arguments on charge, as documents required by them had not been supplied. The Judge has also stated in the reference that despite repeated requests, Pradeep Bansal kept on shouting, accusing and abusing in very loud tone and did not allow the proceedings of the court to go on for more than half an hour. Ultimately, the Presiding Officer then requested the advocates present there to persuade the respondent not to disturb the proceedings.

3. A detailed reply has been filed wherein it has been stated among other grounds raised that the case seems to be one of mistaken identity as it was not Pradeep Bansal who had raised strong objection with regard to the proceedings as despite repeated requests copies of documents were not supplied to the respondent but it was his brother Vijay Bansal. It is submitted that Vijay Bansal insisted that the documents should be supplied and at least non-supply of documents should be noted in the order but the Judge for no reasons failed to take note of the submission so made.
4. During the course of hearing today, in addition to Mr. Sethi, Advocate who is representing the respondent in this Court Mr. Jitender Kumar Jha, Advocate, who was representing the respondent before the trial court stated that he has signed the reply which has been filed. Mr. Jha, Advocate submits that he was present in the court on 01.03.2013 and the proceedings as

recorded in the order which was passed subsequently in fact does not give the correct and fair account of events on the fateful day. It has also been submitted by the counsel for the respondent that they have made an application seeking copy of CCTV footage of the cameras which were installed outside the said court and also the shorthand notebook and the hard drive of the computer of the Court to show that the proceedings had not taken place in the manner which has been portrayed. It is also contended that after the passing of the order when the parties, who were present, insisted that either the documents be supplied or else it may be noted that the documents had not been supplied, which the Judge refused. And in the heat of the moment the Judge used highly unparliamentary language against the brother of the respondent and the Naib Court was asked to push the brother of the respondent out of the Court. Counsel further submits that the CCTV footage would prove this fact. It is further submitted by Mr.Jha that he had protested to the use of the unparliamentary language by the Judge and also stated that a complaint would be filed in this regard and in view of this, latter part of the order was deleted subsequently and not in the presence of the counsel or the parties and that is the reason that a wrong person who was present, happened to be the brother, was named in this defence.

5. At this stage, there is unanimity among the learned counsel that the incident, in whatever form, should have been avoided and moreover, it was not the intention of the respondent and his

brother to obstruct the court proceedings. Since, the copies had not been supplied to them and the court did not record the request for providing the copies of the documents in the order, it led to use of certain harsh and unparliamentary language by the court and also led to the rising of tampers.

6. Learned counsel further submits that the matter should be put to a quietus and respondent would withdraw the prayers seeking CCTV footage, shorthand book and hard drive of the computer of the court.
7. During the course of hearing, this court asked Mr.Sethi, Advocate to produce Mr.Vijay Bansal, brother of the respondent, who was also present in the Court on the fateful day and had insisted in the Court that in the order it should be noted that the documents have not been supplied. It was submitted that Mr.Vijay Bansal would appear before the Court as and when called. The matter was then taken up post-lunch. Mr.Pradeep Bansal, the respondent, and Mr.Vijay Bansal, his brother both, submit that they regret the incident dated 1.3.2015. They further submit that they have the greatest respect and regard for the Courts and they had no intention to disturb the court proceedings or cause any embarrassment to the Court in any manner, however, since their complaint regarding non-supply of documents was not being recorded in the order, Mr.Vijay Bansal had insisted, which was not appreciated by the Court.

8. In the interest of justice and having regard to the various submissions made during the course of hearing, we accept the unconditional apologies tendered by respondent Pardeep Bansal and his brother Vijay Bansal.
9. Contempt petition is accordingly, disposed of. However, we record our appreciation for Shri Dayan Krishanan, Senior Advocate and also for the Mr. Jitender Sethi, Advocate and Mr.Jitender Kumar Jha, Advocate for the respondent to enable this court to dispose of the matter in the right perspective.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 13, 2016

gr / msr