

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: September 30th, 2016

+ **CRL.M.C. 1401/2016**

BIMLESH KUMAR BABUL

..... Petitioner

Through: Mr. Pravin Agarwal, Mr. R.R. Singh,
Advocate with petitioner in person.

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondent

Through: Mr. G.M. Farooqui, Additional Public
Prosecutor for the State

**CORAM:
HON'BLE MR. JUSTICE P.S.TEJI**

P.S.TEJI, J.

1. The present petition has been filed under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure (hereinafter shall be referred as Cr.P.C.) for quashing of order dated 25.06.2015 passed by the learned Additional Chief Metropolitan Magistrate, Shahdara, Delhi along with proceedings emanating therefrom and for quashing of proceedings pending before the Chief Metropolitan Magistrate, Shahdara, Delhi.

2. Facts, in brief, are that a complaint bearing CC No.3/14 was filed by one Ashwani Mehta under Section 200 Cr.P.C. which was pending before the learned ACMM. The petitioner-herein was the

counsel for the complainant in the said case. On 25.06.2015, the petitioner appeared before the Court below along with the complainant. The matter was listed for reply to the application for calling status report in FIR No.608/2014, under Section 308/34 IPC, Police Station Jagat Puri. The learned ACMM noticed that the petitioner-herein leveled certain allegations against him in the open Court and ordered for verification of the law degree of the petitioner-herein as well as his enrollment with the Bar Council of Delhi. The Additional Commissioner of Police concerned was directed to file the report on 25.07.2015.

3. On 25.06.2015 itself, the learned ACMM forwarded a complaint under Section 195 read with Section 200 Cr.P.C. to the learned CMM for taking cognizance for offences under Sections 228, 500 and 506 IPC. Thereafter, the summons were issued against the petitioner-herein in the complaint filed by the learned ACMM. The petitioner preferred an appeal against the same which is pending.

4. Arguments advanced by the counsel for the parties were heard.

5. Argument advanced by the counsel for the petitioner is that the petitioner had not used any such words against the Court or against the Presiding Officer which could call for filing of the complaint against the petitioner. It is further argued that despite tendering a written unconditional apology, the learned ACMM filed a complaint against the petitioner on which cognizance has been taken by the learned CMM. It is further argued that such a

circumstance may affect the reputation and career of the petitioner.

6. Perusal of record shows that on 25.06.2015 when the complaint case was taken up by the learned ACMM, the petitioner being counsel for the complainant started saying as to how the Court had granted bail to the accused and the said bail was given wrongly. It is mentioned in the order dated 25.06.2015 that the petitioner used the words which meant that the granting bail in the matter means judge was bought off. When the learned ACMM objected to the language used by the petitioner, the petitioner further said that he would see as to how the Court would function. Considering the conduct of the petitioner, learned ACMM referred the matter to the police to verify the law degree of the petitioner as well as his enrolment with the Bar Council of Delhi. Thereafter, a complaint under Section 195 Cr.P.C. under the relevant sections was made to the learned CMM who took the cognizance of the offences and summoned the petitioner.

7. After going through the entire record and the facts and circumstances brought before this Court, this Court is of the considered opinion that the petitioner has failed to make out any case under Section 482 of the Cr.P.C. Being an Advocate and attached with the noble profession of advocacy, it is not expected from a person having a law degree to behave in such a manner as mentioned in the order dated 25.06.2015. It is expected from every quarter to maintain the decorum of Court while appearing before a Court of law.

8. In view of the above mentioned facts and circumstances, there is no merit in the present petition. Same is accordingly dismissed. Application, if any, is also disposed of.

(P.S.TEJI)
JUDGE

SEPTEMBER 30, 2016
dd

