

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.SUNDAR

Contempt Appeal No.4 of 2012

V.Raghavachari, Advocate ... Appellant/Contemnor

Appeal filed under Section 19 of the Contempt of Courts Act read with Clause 15 of the Amended Letter Patent against the order in Suo Motu Contempt Petition No.726 of 2012 in W.P.No.5866 of 2012 dated 05.06.2012.

For Appellant : Mr.V.Lakshmi Narayanan

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The appeal is directed against the impugned order dated 16.04.2012 in Suo Motu Contempt proceedings No.726 of 2012 initiated by the learned Single Judge.

2.It is obvious that there is something which transpired on 16.04.2012, the details of which have not been given, which deeply hurt the learned Single Judge. The contempt proceedings were the result of the same. However, the details have not been sketched out in the impugned order. This is so, as an endeavour was made to put a quietus to the incident. In fact, the impugned order records that the learned Senior Counsel appearing on behalf of the members of the Bar had himself stated that the incident was regrettable and such a situation should not have been permitted to come to pass. However, a detailed order has been passed by the learned Single Judge as, in his opinion, he was still troubled by the reluctance shown on part of the contemner from tendering an unconditional apology. The order post page 3 has arisen on account of this fact as the learned Judge himself has recorded.

3.Learned counsel appearing for the appellant / contemner states that the appellant has the highest regards for the Courts and has been practising in this Court for a number of years. Whatever happened on 16.04.2012, the appellant, in effect, tendered an unconditional apology for the same as such a situation ought not to have arisen. We believe, if the frayed tempers would have cooled down at that stage, the aggravation would not have occurred.

4.What has troubled the appellant is the observations made in the operative paragraph 19 of the order, apart from general observations made in the order. It is the submission of the learned counsel for the appellant that once a quietus was being put to the issue, and even what transpired was not set out, the learned Single Judge ought not to have made the observations in para 19, which read as under:

"19. Due to the persistent persuasion of the learned counsels appearing before this Court, and in order to foster harmony between the bar and the bench, in performing the sacred duty of serving the society at large, this Court finds it fit to close the present contempt petition, with the fond hope that such inappropriate behaviour would not be repeated, and with a serious note of caution that such unacceptable behaviour may not be tolerated or condoned by the Courts of law, in future, especially, with the ever increasing burden and responsibility in the performance of their onerous duty of dispensation of justice. Even though the inappropriate behaviour of the contemner is condemnable, keeping in mind the future professional prospects of the contemner, who is a practicing advocate of this Court, the contempt petition is closed, without any further orders being passed, taking on record the Memo filed by the contemner, dated 5.6.2012."

5.We are of the view that the earlier parts of the order are more general in expectations from the Bar rather than a comment on the appellant and once the learned Judge was generous enough to put a quietus to the issue, there was no further need of categorising the behaviour of the appellant as inappropriate to the extent that a caution was extended. To the aforesaid extent, thus, our interference is called and those observations personal to the appellant are struck off.

6.We are sure that the long number of years the appellant has at the Bar, there would be no occasion ever for such a situation to arise in future as none is stated to have arisen even after the order.

Contempt Appeal is closed in the aforesaid terms.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

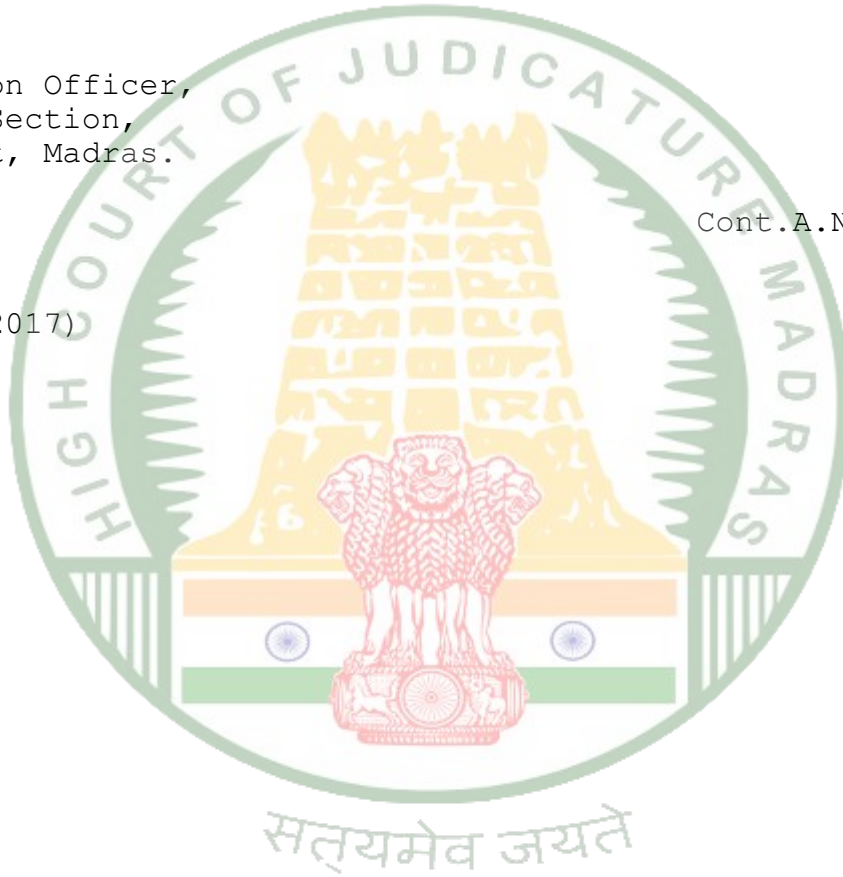
sra

To

The Section Officer,
Contempt Section,
High Court, Madras.

Cont.A.No.4 of 2012

UG(CO)
CA(06/02/2017)



WEB COPY