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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS.(CRL) 5/2017

COURTS ON ITS OWN MOTION

..... Petitioner

Through

Mr. Dayan Krishnan, Sr.Advocate,
Mr. Narender Mann, Amicus Curiae,
Ms. Aakash Lodha, Mr. Sanjeevi
Seshadri, Advocates

versus

SHAKIL AKHTAR

..... Respondent

Through

Ms. Ramyakutty, Advocate with
Mr.Shakil Akhtar

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

07.02.2018

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1. The matter was placed before this Court pursuant to an order passed by Justice Vibhu Bhakru on 13th October, 2017 which reads as under:

“1. Mr Shakil Akhtar, Advocate - who appeared for the petitioner today in W.P.(C) 8983/2017 captioned Shiv Shankar Gupta vs Government of NCT of Delhi - was heard and the said petition was dismissed with costs. His conduct at the time of dictation of order was highly objectionable and he made statement to the effect that he was not getting favourable orders as the other side was an MLA.

2. After the matter was over, he returned to Court and commenced interdicting the Court proceedings, while another matter was being heard, demanding in a loud voice that order be given under the signatures of the Court Master. He was warned to conduct himself properly and not disturb the Court proceedings. However, he did not heed to warning and continued to shout loudly, made statement to the effect that proceedings for contempt be issued and he was willing to go to

jail for six months. His attitude was aggressive and he continued to disturb the proceedings.

3. This Court is of the, *prima facie*, view that his insinuations and actions amount to criminal contempt as defined under section 2 (c) of Contempt of Court Act, 1971.

4. The facts as stated in paragraph 1 and 2 above constitute the gravamen of the charge as per paragraph 3.

5. Let a copy of order be given to Mr Shakil Akhtar under signatures of the Court Master. Mr Akhtar is hereby called upon to submit his response to this order, which is being treated as a notice of charge, within two weeks.

6. The contempt matter may be placed before Hon'ble the Acting Chief Justice for placing before the appropriate Division Bench for further proceedings.

7. Registry shall appropriately register the matter and place copy of this order before the Division Bench.

8. Order *dasti*.”

2. Pursuant to the notice issued to him, Mr. Akhtar has filed two affidavits, one dated 6th December, 2017 and the second one dated 3rd January, 2018. In both affidavits he has expressed an unconditional apology for his behaviour in Court. He has sought to explain it by saying that he was under extreme stress as his wife was expecting their second child. In fact, a baby daughter was born to them on 5th November, 2017. He states that he is not doing too well financially and now has a family with two children to look after.

3. The Court is of the view that whatever the stress an Advocate may be under, he would have conduct himself with the decorum and dignity

expected from a member of the Bar while addressing the Court. In the present case, this Court is particularly concerned about the manner in which the learned Single Judge was addressed by Mr. Akhtar. Interruption of the proceedings and seeking to cast aspersions on the fairness of the Court, whatever the provocation might have been, was wholly unwarranted and inexcusable.

4. However, the tone and tenor of both affidavits filed by Mr. Akhtar reflect sincerity and his contriteness for his unacceptable behaviour in Court. He has assured the Court that there would be no occasion in future where his behaviour in Court is found wanting.

5. The Court accepts the unconditional apology tendered by Mr. Akhtar with a stern warning to him that any future lapse on his part in properly conducting himself in a Court would result in severe consequences for him professionally.

6. This Court appreciates the assistance rendered to it by Mr. Dayan Krishnan, learned Amicus Curiae, in the manner befitting of a senior Counsel and an officer of the Court.

7. The contempt petition is disposed of.

S. MURALIDHAR, J.

I.S. MEHTA, J.

FEBRUARY 07, 2018/mw