

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29..07..2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Suo Motu Contempt Petition No.1053 of 2019
in
W.P.No.16949 of 2019

1.Mr.Ishari K.Ganesh

2.Mr.Anantharaman

... Contemnors

Suo Motu contempt proceedings initiated against the
Contemnors herein as per order of the Court dated 22.06.2019
made in Roc.No.5521/2019/OS.

For Contemnors : Mr.AR.L.Sundaresan, Senior
Counsel for Mr.S.Suresh for
Contemnor No.1

सत्यमेव जयते
Mr.Sathish Parasaran, Senior
Counsel for Mr.M.Dinesh for
Contemnor No.2

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ORDER

[Order of the court was made by JUSTICE M.M.SUNDRESH.J.]

We are quite conscious about the seriousness of the issues involved in this contempt petition. However, keeping in mind the affidavits filed by the contemnors and the procedural logistics involved, we are inclined to pass the final order.

2. Today, when the matter is taken up for hearing, the contemnors are present as directed. We may note, they were also present on the earlier occasion.

3. In the affidavit filed by the 1st contemnor, the following statement has been made:-

"2. At the outset, I humbly submit that I have utmost regard and respect for the administration of justice by this Hon'ble Court. I have never interfered with the administration of justice at any point of time.

3. I humbly submit that I had not requested Mr. Anantharaman, the 2nd contemnor herein to seek any adjournment of any case in this Hon'ble Court nor wanted to influence the course of the proceedings

through Mr.Anantharaman.

4. I humbly submit that I have great respect and regard for the proceedings before this Hon'ble Court.

5. I hereby tender unconditional apology to this Hon'ble Court for the unfortunate incident that has happened on 22.06.2019 without my knowledge."

4.The 2nd contemnor has also filed an affidavit wherein he made the following statement:-

"2. The submit that I did not have any other motive or intent to interfere with the administration of justice. I also wish to state that I did not intend to obstruct the administration of justice.

3. It is further submitted that I am not a personal who is well-versed in legal means and affairs and I did understand the nuances involved in the matter. I humbly submit before this Hon'ble Court or to interfere with the administration of justice. I swear and affirm that I did not act at the request of Mr.Ishari K.Ganesan. I profusely apologize for this unfortunate incident. It is humbly submitted that, in the event that this Hon'ble Court requires any further explanation. I may be

permitted to file an additional affidavit placing the full facts on record regarding the inadvertent error on any my part.

4. I submit that I have utmost regard for the judicial might and sanctity of this Hon'ble Court and would never ever commit any action which would bring disrepute to this Hon'ble Court. I pray that the contempt proceedings initiated against me are dropped and the case may be closed.

Therefore, for the reasons stated above, it is prayed that this Hon'ble Court may be pleased to take this unconditional apology on record and close the contempt proceedings in contempt petition No.1053 of 2019 and thus render justice."

5. The 1st contemnor has also voluntarily offered to contribute Rs.10,00,000/- (Rupees Ten Lakhs only) to the Legal Services Authority. We acknowledge the above said factum and record the same.

6. Accordingly, we pass the following order:-

(1) The affidavits of undertaking filed by the contemnors as recorded above stand accepted.

(2) The statement made voluntarily by the 1st contemnor that a sum of Rs.10,00,000/- would be contributed to the Legal Services Authority stands recorded.

(3) The above said amount will have to be paid within a period of two weeks from the date of receipt of a copy of this order to the State Legal Services Authority, Chennai.

(4) The State Legal Services Authority will have to create a separate Head of Account for the utilization of the amount styled as "Victim Compensation Fund" (Rehabilitation of Transgenders and Facilitation for Abandoned Children). Sufficient funds will have to be allocated out of the funds to the District Legal Services Authority, Chennai, which is dealing with a large number of cases involving the issues pertaining to Transgenders, more particularly, Transgenders affected by AIDS and also the Abandoned Children.

In the result, the contempt petition stands closed as against both the contemnors.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

kmk

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/16/08/2019



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