

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CROCP No.10/2018 (O&M)
Date of decision:24.04.2019.**

Court on its own motion

.....Petitioner

v.

Ram Niwas Aggarwal

.....Respondent

**Coram: Hon'ble Mr.Justice Jaswant Singh
 Hon'ble Mr.Justice Arun Kumar Tyagi**

Present:- Contemner-Ram Niwas Aggarwal in person.

Jaswant Singh,J.

The instant criminal contempt proceedings were initiated on receipt of letter dated 12.2.2018 received from District and Sessions Judge, Hisar, whereby he had forwarded letter dated 6.2.2018 received from Sh.Jaibir Singh, District Judge, Additional Family Court,Hisar alongwith enclosures thereof. The contents of letter dated 6.2.2018 written by Sh.Jaibir Singh to the District Judge, Hisar, for ready reference, are reproduced below:-

“With due respect, it is humbly submitted that I received a post today i.e. on 6.2.2018,from Sh.Ram niwas Aggarwal, resident of H.No.55, Model Town, P.O.Hansi, District Hisar through registered post in which he has sent a letter asking me to show cause why a FIR not be registered against me. As I consider the present letter sent by Sh.Ram Niwas Aggarwal as his anguish and frustration against dismissal of his appeal by me, hence I am not taking any action in this matter personally. However, I consider it my duty to bring this fact to the notice of your

good-self because I consider it as untoward incident in the life of a judge and a grave contempt of the court. Hence the letter alongwith registered cover sent by Sh.Ram Niwas Aggarwal is hereby enclosed.

This is for your information and necessary action at your end.”

The reference made by Mr.Jaibir Singh, District Judge, Additional Family Court, Hisar through the office of District Judge,Hisar was received and processed by this Court and thereafter was registered as criminal contempt bearing CROCP No.10/2018 titled as “Court on its own motion v Sh.Ram Niwas Aggarwal,R/o House NO.55, Model Town,P.O.Hansi, District Hisar” and listed on judicial side for hearing for levelling baseless contemptuous allegations against the Judicial Officer concerned.

The matter was listed for hearing on 6.8.2018 and notice of motion was issued to contemner for 28.8.2018.

Since despite service, contemner did not put in appearance on 28.8.2018, his presence was ordered to be secured through bailable warrants in the sum of Rs.10,000/- through SSP/SHO Hisar for 19.9.2018.

On 30.8.2018 the contemner moved CRM 30553/2018 through Ms.Ramandeep Kaur,Advocate seeking recall of the order dated 28.8.2018 whereby his presence was ordered to be secured through bailable warrants. On the undertaking given by learned counsel for the contemner that she will make contemner present on 19.9.2018, the application so moved was allowed and order dated 28.8.2018 was recalled.

On 19.9.2018 the matter could not be taken up and was

adjourned to 17.10.2018,

On 17.10.2018 contemner put in appearance and insisted for hearing of the Contempt Petition on merits. The order dated 17.10.2018 passed by Division Bench is reproduced below for ready reference:-

"We have heard the contemnor-Ram Niwas Aggarwal for quite some time. We have given a chance him to tender unconditional apology. However, in his own perception, he is insisting the Court for hearing of the present Contempt Petition on merits. We have inter alia heard other points. We, therefore, find at this stage, there are no bona fides on his part tendering any apology.

In that point of view, we post the Contempt for hearing on 15.11.2018.

In the meanwhile, contemnor-Ram Niwas Aggarwal shall furnish bail in the sum of Rs.50,000/- with two sureties in the like amount, before the Registrar Judicial of this Court within a period of seven days from today, failing which he shall be taken into custody."

As per office report dated 23.10.2018 given at the bottom of order dated 17.10.2018 the contemner is reported to have tendered three Fixed Deposit Receipts of Rs.50,000/-; Rs.51,000/-; Rs.50,000/- and three cheques amounting to Rs.50,000/- each. The said FDRs and Cheques were kept in safe custody of Registrar Judicial at Sr.No.1014.

On 15.11.2018, matter was adjourned to 30.11.2018. On 30.11.2018 on the request of contemnor, the matter was adjourned to 7.12.2018. Thereafter the matter could not be taken up for hearing

on 7.12.2018, 18.1.2019 and 1.3.2019.

During the pendency of the Criminal Contempt Petition, contemnor filed CRM 37874/2018 under Section 482 Cr.PC, whereby he made a request for preponing the matter from 15.11.2018 to some early date. It was further averred by him that he was 73 years old senior citizen having marriageable daughters, his wife was bed ridden and he himself was under depression owing to which he had written some letters for which he was tendering unconditional apology. The application was supported by an affidavit dated 22.10.2018. Further he had moved another application bearing CRM 37875/2018 seeking recall of the order dated 17.10.2018 whereby he was directed to furnish bail in the sum of Rs.50,000/- with two sureties in the like amount before the Registrar Judicial of this Court.

At the time of hearing today, again contemner has tendered unqualified apology by way of affidavit dated 3.12.2018 stating therein that he had no intention to show any disrespect or dishonour to this Court as well as to Sh.Jaibir Singh, Additional District Judge, Hisar and that he acted in an unintentional and bonafide manner and that he be pardoned. He further expressed his regrets and tendered unqualified apology with further undertaking that he will not make any such unwarranted act in future and will abide by the decisions of the Courts below.

Besides the affidavit dated 3.12.2018, contemner at the time of hearing has made a statement to the aforesaid effect that he tenders unqualified apology for his act and undertakes not to repeat such unwarranted act in future.

Keeping in view the advanced age of the contemnor, unconditional and unqualified apology tendered orally at the time of hearing as also through sworn in affidavit, is accepted. Resultantly, the contempt petition stands disposed of. CRM 37874/2018 seeking preponement is disposed of as having become infructuous while CRM 37875/2018 is allowed and office is directed to release the FDRs/Cheques to the contemnor,against proper receipt, which are presently lying in safe custody of Registrar Judicial.

Rule discharged.

(Jaswant Singh)
Judge

24.04.2019.
joshi

(Arun Kumar Tyagi)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No