

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

CROCP-12-2018

Date of Decision:17.01.2020

COURT ON ITS OWN MOTION

... Petitioner

Vs.

Tahir Hussain Devla

... Respondent

CORAM : HON'BLE MR. JUSTICE JASWANT SINGH

HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Simrandeep Singh Sandhu, Advocate as amicus curiae.

Dr. Anmol Rattan Singh Sidhu, Sr. Advocate assisted by
Mr. Sarfraj Hussain, Advocate
alongwith respondent-contemner.

SANT PARKASH, J.

A reference has been received by this Court from Sh. Gulshan Verma, Civil Judge (Jr. Divn.)-cum-Judicial Magistrate Ist Class, Mewat, for initiating contempt proceedings against Sh. Tahir Hussain Devla, Advocate, on account of his brazenly discourteous, overawing, abusive and intimidating behaviour thereby making it very difficult for the complainant to work with a calm and composed mind.

This reference has been taken into consideration by this Court and it has been ordered that Criminal Contempt of Court proceedings be initiated against Sh. Tahir Hussain Devla, Advocate, for his alleged conduct leading to listing of the present contempt petition.

Notice of motion was issued. Upon notice, on 21.11.2018, Shri Tahir Hussain Devla, respondent/contemner, had put in appearance and this Court passed the following order:

“CRM-40962-2018

For the reasons stated therein, the application is allowed. Affidavit of respondent/contemner is taken on record. Office to tag the same at the appropriate place.

CROCP-12-2018

Pursuant to the issuance of notice, Shri Tahir Hussain Devla, respondent/contemner, has put in appearance and has also filed his affidavit stating therein that on the date of the incident, he was under medical trauma and therefore, uttered words which he never intended to do so. He has also stated that he is a practising advocate since the year 2000 and has respect for dignity of Court of law. He never had the intention to do or say anything which could bring the pious institution of Court to disrespect. He has also mentioned that if whatever uttered by the applicant was found offensive by the Court, he expresses his remorse. He has also stated that he has complete faith in the institution of judiciary and cannot imagine saying or doing anything which would undermine the prestige of the institution. Finally, he has stated that he tenders unconditional apology before this Court for the incident which took place in the Court Nuh.

From a bare perusal of the affidavit of the contemner, it cannot be said that he has expressed unconditional and unqualified apology. Rather, he has tried to defend his action and, as such, the apology tendered cannot be accepted.

The contemner states that he shall file another affidavit tendering unconditional and unqualified apology.

Adjourned to 14.01.2019 to enable the contemner for filing fresh affidavit.

Mr. Simrandeep Singh Sandhu, Advocate, who is present in the Court, is requested to assist the Court as an amicus curiae.”

When the matter was taken up on 14.01.2019 pursuant to the previous order, following order was passed:

“CRM-41680-2018

By way of present application, Mr. Tahir Hussain Devla, Advocate, respondent-contemnor, has filed his fresh affidavit dated 22.11.2018, tendering his unconditional and unqualified apology.

Application is allowed. The aforesaid affidavit dated 22.11.2018 is taken on record.

Registry to place the same at appropriate place in the paper-book and paginate accordingly.

Main case

In the Reference, it has been stated that the respondent-contemnor, an Practicing Advocate has on the previous occasions also misbehaved in Court. Although the aforesaid affidavit dated 22.11.2018 tendering his unqualified apology has been filed, however, this Court deems it fit to observe the future conduct of the respondent-contemnor as an Advocate in Court before accepting the apology.

Adjourned to 09.09.2019 for further consideration.

The District and Sessions Judge, Nuh, would send his/her report in the last week of August 2019 with regard to the conduct of the respondent for the period January 2019 to August 2019, after obtaining comments from all the Courts in the Sessions Division.”

Thereafter, the matter was listed on 24.10.2019 and the respondent-contemner was directed to file his specific affidavit.

Pursuant to the previous orders, an affidavit of Tahir Hussain Devla, Advocate, District and Sessions Court, Nuh, has been filed in Court today, wherein, he has tendered his unconditional apology for his act and conduct and an assurance has been given by him that he will never engage in such kind of issue in future.

A report dated 30.08.2019, has also been submitted by the

learned District and Sessions Judge, Mewat, after seeking comments of all the Judicial Officers posted in that Sessions Division submitting that Mr. Tahir Hussain Devla, Advocate, appears in the Courts in several cases and his act and conduct has been observed to be good during that period.

In view of the above, Rule is discharged. Contempt petition is disposed of with a rider that if in future he repeats any such act of contemptuous nature, the present petition shall stand automatically revived.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

17.01.2020
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No