

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-3075-2021 in/and
CROCP No. 2 of 2019 (O&M)
Date of Decision: February 8, 2021

Court on its motion

..... PETITIONER

VERSUS

Anand Mann, District Attorney, Sonipat

..... RESPONDENT

...

CORAM: **HON'BLE MR. JUSTICE JASWANT SINGH**
 HON'BLE MR. JUSTICE SANT PARKASH

...

PRESENT: - Mr. Kamaldeep Sehra, Advocate
 for the respondent-Contemnor.

. . .

Sant Parkash, J

(The aforesaid presence has been recorded through video conferencing
as the proceedings are being conducted in virtual Court)

CRM-3075-2021

This is an application under Section 482 Cr.P.C. for
preponing CROCP No. 2 of 2019 which is fixed for 20.04.2021.

After hearing counsel for the respondent as also in view of
the contents of the application, the same is allowed. Main case viz CROCP
No. 2 of 2019 is preponed to today itself.

CROCP No. 2 of 2019 (O&M)

The instant complaint has arisen out of a letter of
Sh. Manglesh Kumar Choubey, Additional Civil Judge, Senior Division-

Sub Divisional Magistrate, Gohana, District Sonapat wherein it was mentioned that he received a letter dated 18.08.2018 directly from the respondent-District Attorney through registered post, which amounts to interference with the administration of justice. The contents of the letter tend to scandalize and lower the authority of the Court. The letter further tends to interfere with the due course of judicial proceedings. The language used was improper. The District Attorney seemed to be aggrieved by order dated 14.08.2018 whereby the Court imposed a cost of Rs. 1,000/- on the respondent for not advancing arguments on charge in case FIR No. 253/2016, Police Station Baroda despite reasonable opportunities. There was a remedy available to the respondent to challenge the said order but he opted to teach the Magistrate a lesson by sending the letter. The District Attorney tried to influence a criminal Court to pass orders in a particular manner for the benefit of prosecution/State. The Magistrate requested that the act of the respondent attracted the provision of Section 2(c) of Criminal Contempt of Court Act, 1971.

The subject matter of the instant petition i.e. order dated 14.08.2018 whereby cost of Rs. 1,000/- was imposed upon the APP for the State, reads as under:-

“Ajay Kumar, Patwari is present on behalf of defendant. Ld. GP for the State is not available. Ld. Counsel for the plaintiffs has suffered his statement that he has received Rs. 10,000/- as cost from the defendants. Amended written statement has been filed. No DW is present. On 17.01.2018, adjournment was granted to the defendants to lead evidence subject to cost of Rs. 500/- to be deposited in LAC, Gohana. Cost not paid. Now, evidence be concluded by the defendants subject to further cost of Rs. 500/- to be deposited in LAC, Gohana on 29.08.2018. Copy of this

order be sent to the Ld. District Attorney, Sonapat and Ld. Dy. Commissioner, Sonapat for information.”

The order dated 14.08.2018 was challenged by the State of Haryana through Public Prosecutor before the Court of Additional Sessions Judge, Sonapat wherein vide order dated 22.05.2019 the impugned order dated 14.08.2018 has already been set aside.

Notice of motion was issued to the respondent-contemnor in pursuance to which, he filed reply by taking preliminary submissions that the learned Magistrate has tried to flare up the issue by presenting his letter in a different manner with a different interpretation; the learned Magistrate heard the case FIR No. 253/2016, Police Station Baroda, on the point of framing of charge whereas the said case was exclusively triable by the Court of Sessions. The Magistrate was not competent to hear the said case and therefore, order dated 14.08.2018 was without jurisdiction. The cost of Rs. 1,000/- was imposed upon the respondent-contemnor personally.

De hors the aforesaid facts, the respondent-contemnor on 28.02.2020 prayed for one opportunity to withdraw the written statement before this Court and to file a fresh affidavit tendering unconditional apology.

Vide **CRM No. 3078 of 2021**, the respondent-contemnor has placed on record his affidavit dated 29.01.2021 submitting that in view of order dated 28.08.2020 passed by this Court, he withdraws his earlier reply and tenders unconditional/unqualified apology in the matter. The said affidavit reads as under:-

“I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That the contemnor respectfully submits that in view of order dated 28.02.2020 passed by this Hon’ble Court, he withdraws the earlier reply and tenders unconditional/unqualified apology in the matter.”

In view of the fact that the respondent-contemnor has tendered his unconditional apology in the matter and the fact that order dated 14.08.2018 has already been set aside by the Court of Sessions vide order dated 22.05.2019, no further action in the present contempt petition is called for. Apology of the respondent-contemnor is accepted and the respondent is discharged.

Disposed of.

(Jaswant Singh)
Judge

(Sant Parkash)
Judge

February 8, 2021
avin/maninder

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No