



2025:DHC:1657-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 12th March, 2025*+ **CONT.CAS.(CRL) 2/2025****COURT ON ITS OWN MOTION**

.....Petitioner

Through: None.

versus

SHIVASHISH GUNWAL ADVOCATE

.....Respondent

Through: Respondent in person.

CORAM:**JUSTICE PRATHIBA M. SINGH****JUSTICE RAJNEESH KUMAR GUPTA****Prathiba M. Singh, J. (ORAL)**

1. This hearing has been done through hybrid mode.
2. The present contempt reference has been placed before the Court in view of the order dated 23rd November, 2024 passed by the Id. ASJ (SC POCSO) South East District, Saket Courts, New Delhi wherein the court has recorded that Respondent-Contemnor is an Advocate who misbehaved and raised his voice in Court and has also indulged in unnecessary aggressive behaviour in the Court. The order of the Court would be relevant and is extracted herein below for reference:

“PW/father of the victim has been examined in chief as PW-6 and partly cross examined and further cross examination was deferred.

During the examination of PW-6, Ld. counsel for the accused has started arguing with the Court in the most rash and condescending manner. He has also pointed finger at the Court and has questioned the judicial wisdom of this Court when he was told that his objection raised during the recording of testimony of PW-6 was not found to be sustainable, and he specifically used the



words "You tell me the law" and also stated "Why don't you convict the accused now itself."

The entire peaceful atmosphere of the Court was disturbed, and the manner and conduct of Ld. counsel for the accused was found to be unwarranted. However, without paying any heed to the repeated warnings of the Court to maintain the peaceful decorum of the Court and to be mindful of the words he chooses to speak in the Court, Ld. counsel for the accused did not stop from arguing and raising his voice. The conduct of Ld. Counsel for the accused was witnessed by the staff of the Court as well as by Ld. Substitute Addl. PP for the State and Ld. Proxy counsel for the complainant/victim.

Since, Ld. counsel for the accused did not stop in his manner and tenor and continued arguing with the Court and disturbing the proceedings, and during the cross examination of PW-6/father of the victim, he had withdrawn his Vakalatnama, further cross examination of PW-6/father of the victim as well as PW-7/IO was to be deferred to give one opportunity to the accused. This has also invariably delayed the trial.

In these circumstances, I deem it fit to send a copy of this order alongwith copy of testimony of PW-6, to Ld. Principal District & Sessions Judge, South East, Saket Courts, New Delhi as well as to Ld. Registrar General, Hon'ble High Court of Delhi for necessary intimation.

Ahlmad is directed to send the copy of this order and copy of testimony of PW-6 through proper channel.

Vakalatnama of Ld. counsel for the accused Sh. Shivashish Gunwal stands withdrawn by him.

However, it is observed that even after withdrawing his Vakalatnama, Ld. Counsel for the accused continued sitting inside the Courtroom with his 2-3 other associates to create an intimidating atmosphere in the Courtroom, and despite the fact that the proceedings were being conducted "In Camera" and after the proceedings, he left the Court by saying "I will be making a complaint against you"



PW/SI Athine has been examined in chief as PW-7. Her cross examination is deferred by way of one opportunity to the accused.

Accused is given only one opportunity to cross examine PW-6 and PW-7 on the NDOH.

Diet money be paid to PW-6 for today.

Let fresh summons be issued to the PW-6/father of the victim and PW-7 IO SI Athine in the list of witnesses through SHO concerned for the next date of hearing.

Put up the matter for PE on 07.02.2025”

3. Notice was issued to the Contemnor/Respondent, who is a lawyer. He has appeared before the Court today. The Court has heard his submissions wherein he has tendered an unconditional apology to this Court as also apologies for his conduct before the Id. ASJ (SC POCSO) South East District, Saket Courts, New Delhi. He submits that he has put in more than 20 years of practice and there has been no untoward incident from his end in any Court Room during the course of these years.

4. There can be no doubt unnecessary aggression and raising of voice in Court which demonstrates disrespect cannot be tolerated. Lawyers ought to maintain decorum in the court room. However, in this case, the Court has considered the long years of practice of the Respondent. After having perused the conduct complained of and having heard the submissions made by the Respondent today, this Court is of the opinion that the apology deserves to be accepted.

5. The Respondent shall, however, render *pro bono* services to at least two accused/victims in the Court of Id. ASJ (SC POCSO) South East District, Saket Courts, New Delhi, as may be decided by the Id. PO, Ms. Ankita Lal. For this purpose, the present order be communicated to the concerned Presiding Officer, who shall appoint the Respondent for rendering *pro bono*



2025:DHC:1657-DB



service in the Court in at least two matters.

6. The contempt petition is disposed of and the contemnor is discharged accordingly.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 12, 2025/dk/ss