

Court No. - 49

Case :- CONTEMPT APPLICATION (CRIMINAL) No. - 4 of 2019

Applicant :- In-Re

Opposite Party :- Sri Krishna Kumar Yadav, Adv

Counsel for Applicant :- A.G.A., Sudhir Mehrotra

Counsel for Opposite Party :- Sanjay Kumar Srivastava

Hon'ble Suneet Kumar, J.

Hon'ble Vikram D. Chauhan, J.

Heard Shri Sudhir Mehrotra, learned counsel appearing for the High Court and Shri Sanjay Kumar Srivastava, learned counsel for the contemnor. Contemnor has also put in appearance.

This Court on 30 July 2019, framed the following charge:

"You Krishna Kumar Yadav, son of Sri Shiv Govind Yadav, resident of Khurhat, district Mau, on 18th March, 2019, at about 12.30 hours, in the court of Additional Principal Judge, Family Court No.1, district Mau, during the course of proceedings of Criminal Case No.1954 of 2014 (Lalmuni Vs. Shiv Kumar) under Section 125 CrPC, used the following words for the Presiding Officer, namely, Km. Aradhana Rani, Additional Principal Judge, Family Court No.1, Mau: "न्यायालय तो महिला है इसलिए जूते से नहीं पीटा जा रहा है साली पागल है नहीं जानती कि एक पुरुष जिला जज को हम लोगों ने जूतों से पीटा था।", while she was listening to the complaint made by Lalmuni (one of the parties). By your aforesaid conduct, you have insulted the court and have thereby tried to lower the authority of the court and have also obstructed and interfered with the due course of the judicial proceeding and have thereby committed criminal contempt of court, which is punishable under Section 12 of the Contempt of Courts Act, 1971".

You are therefore called upon to submit your defence in respect of the above charge. For the said purpose you are allowed two weeks time."

Pursuant thereof, contemnor filed objection/counter affidavit to the charge raising preliminary objection with regard to the maintainability of reference/proceeding, denying the allegations and factum of the incident; further, he has raised a defence which is purely technical; in the same breath, contemnor in para-47 of the counter affidavit submits that he had tendered unconditional & unqualified apology before the court/judicial officer concerned. Learned counsel for the contemnor submits that the contemnor desires to withdraw the objection to the charge and tenders unconditional apology. Apology has been submitted vide affidavit dated 23 November 2021, in compliance of the order dated 20 November 2021, wherein, it has been stated that the contemnor is a practicing lawyer having standing of 31 years in the District Court at Mau. An unconditional and unqualified apology has been tendered by the deponent along with an undertaking before the concerned court. The contemnor submits that the

unconditional and unqualified apology of the deponent be accepted and discharge the notice. The contemnor pleads mercy with folded hand and assures the Court of good and appropriate conduct.

Having regard to the charge, conduct of the contemnor is unbecoming of a practising advocate, he has been the former President of the Bar and put in 32 years of practice. It is not expected of a senior member of the Bar to indulge in derogatory and abusive language to the court, which seriously undermines the discipline and would encourage the other advocates to follow suit.

In the circumstances, taking a lenient view, we are of the opinion that Rs.2000/- be imposed towards cost upon the contemnor. It is ordered accordingly.

The contemnor to deposit the cost at the District Legal Services Authority, Mau. Further, contemnor shall be kept under observation with regard to his conduct and behaviour for a period of two years from date. Contemnor undertakes to be careful and maintain discipline, decorum and dignity of the court in the future. The undertaking is recorded and accepted.

In the event, contemnor does not deposit the fine within a month from date, contemnor shall be precluded from entering the premises of the judgeship and appearing in any case for a period of six months. The District Judge, Mau, shall circulate this order to all the presiding officers.

Registry to transmit copy of this order and ensure compliance.

In view thereof, contempt application is disposed of.

Order Date :- 21.2.2022

Mukesh Kr.

(Vikram D. Chauhan,J)

(Suneet Kumar,J)