

Ajit Singh

Vs

Niranjan Dass Rahi and Others

Criminal Appeal No. 609 of 1986

(M. M. Punchhi, Sujata V. Manohar JJ)

13.03.1996

ORDER

1. We have gone through the judgment of the High Court under appeal which is of the year 1985. Thereby the appellant stands convicted under Section 12 of the Contempt of Courts Act, 1971 and sentenced to a fine of Rs 2000 only. The appellant was a litigant in a subordinate court where his pleadings in a transfer application clearly contained statements which scandalised the Court. Besides the appellant, two lawyers were also similarly charged and similarly convicted and sentenced. They are the respondents herein, but against whom no specific relief is claimed by the appellant. It is obvious that these pleadings in the transfer application were prepared by counsel and were signed by the appellant. The plea of the appellant before the High Court that without realising the impact of those pleadings, he had signed at the asking of his counsel is neither here nor there. This plea is not open to him when he is presumed to have instructed his counsel to proceed in that particular manner. The presumption cannot be washed off by mere denial. Apology offered by the appellant has been turned by the High Court viewed as an attempt to get out of the situation. We, therefore, at this distance of time, think that the appellant is not entitled to any relief. The appeal therefore fails and is hereby dismissed. No costs.

2. In view of the dismissal of the appeal, Crl. MP No. 1289 of 1996 is rejected.