

K. S. Villasa

Vs

Ladies Corner

Criminal Appeal No. 305 of 1987

(G. T. Nanavati, N. Santosh Hegde JJ)

03.02.1999

JUDGMENT

G. T. Nanavati J.

1. The appellant has been convicted under the Contempt of Courts Act and directed to pay fine of Rs. 1,000/-. Aggrieved by his conviction and the order of payment of fine, the appellant has filed this appeal under Section 19 of the Act.
2. The charges framed against the appellant were as under :

*"Charge-i* : On 6.11.1982 interfered with and obstructed the due course of judicial proceedings in *O.S. No. 3214 of 1982 (M/s. Ladies Corner v. Muslim Association, Bangalore and another)*, pending on the file of the 9th Additional City Civil Judge at Bangalore, in that, in spite of the order dated 4.11.1982 made by that court granting the possessory remedy of temporary injunction in favour of the complainant-plaintiff in respect of the premises concerned in that suit, you, in spite of that injunction order having been brought to your notice, acted in aid of the interests of the defendant in that suit and denied the complainant-plaintiff, by benefit of that order of temporary injunction by locking up the suit premises, putting your seal on the locks and taking away the keys and in warning the complainant-plaintiff not to enter upon the suit premises; and that

*Charge-ii* : You lowered the authority of the Court of the 9th Additional City Civil Judge, Bangalore, and interfered with the administration of justice by your order No. YSD/CC/1271/82 to sit in judgment injunction dated 4.11.1982 made by that Court in C.S. No. 3214 of 1982 and in commenting on the conduct of the parties thereto."

The complainant and the appellant had led evidence in support of their versions. The High Court believing the evidence of PWs 2 and 3 held that Ravi was in possession of the shop in question and therein business was carried on in the name of 'Ladies Corner'. The High Court did not believe the evidence led by the appellant as it was found to be inconsistent and improbable and recorded the finding that the appellant was fully aware of the order of injunction passed by the Civil Court in favour of 'Ladies Corner' and yet with a view to help Muslim Association against whom the said order was passed he had deliberately flouted the same by removing the son of Ravi - PW1 from the shop and then by locking the shop. The High Court also believed the evidence of PW1 and held that the appellant had taken him to Police

Station and detained him there for about 4 to 5 hours. The facts established clearly indicate the intention of the appellant and, therefore, the High Court was right in coming to the conclusion that the appellant while behaving in that manner had interfered with the judicial proceedings and administration of justice. The High Court has also noted the fact that the appellant had directed his Sub-Inspector to prosecute the complainant for the averments made in his pleadings and the affidavit filed in the suit.

3. Having gone through the evidence and the judgment of the High Court we are of the opinion that the findings recorded by the High Court are fully justified and that the appellant had intentionally and knowingly flouted the order of the Court and had thereby interfered with the course of justice. He has been rightly convicted under the Contempt of Courts Act. This appeal is, therefore, dismissed.