

AMIT CHANCHAL JHA Vs. REGISTRAR HIGH COURT OF DELHI
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LAWS(SC)-2014-12-74
Supreme Court Of India
Decided on December 12,2014

AMIT CHANCHAL JHA

Appellant

VERSUS

REGISTRAR HIGH COURT OF DELHI

Respondents

JUDGEMENT

A.K.Goel, J. - (1.) THESE appeals have been preferred against the judgment and order dated 13 January, 2012 in Criminal Contempt No. 1 of 2012 and order dated 16 January, 2012 in Criminal Miscellaneous No. 753 of 2012 of the High Court of Delhi at New Delhi.

(2.) THE Appellant is an advocate practicing in Delhi High Court. On 13 January, 2012 he allegedly abused a lady advocate (identity not being mentioned) during the judicial proceedings before an Additional District Judge, posted as Joint Registrar in the High Court. The Joint Registrar noticed that the lady lawyer was crying and she said that she was slapped by the Appellant. The Appellant also complained that he was also slapped. The Joint Registrar asked the lady advocate to sit in his chamber so that normalcy could be restored. The matter was mentioned by a group of lawyers before the Acting Chief Justice. The matter was taken up by the Bench in chamber and the Joint Registrar produced the copy of proceedings recorded by him regarding the incident. However, the exact details of the incident are not mentioned in the order passed by the Bench on 13 January, 2012, in order to maintain decency. On being confronted, the Appellant admitted the charge. He was informed that his conduct involved criminal contempt and asked as to why show cause notice be not issued to him. He stated that he did not wish to give any reply and was ready to face the punishment for the charge. After due consideration, the Division Bench headed by the Acting Chief Justice held that the conduct of the Appellant had caused interference with the judicial procedure and obstructed the administration of justice and was contumacious. The Appellant appeared to be accustomed to use of brute force which was antithetic to the procedure established by law. Such incidents could lead the young advocates shying away from the court. Accordingly, the Appellant was convicted for criminal contempt and was punished to undergo imprisonment for seven days and asked to do pro bono legal aid work for the inmates of the jail. He was debarred from appearing in any court in Delhi for three months and the matter was directed to be reported to the Bar Council of India for taking appropriate action.

(3.) THE Appellant, thereafter, filed an application for recall of the order on the ground

that the case did not fall in the definition of 'criminal contempt' Under Section 2(c) of the Contempt of Courts Act, 1971. The altercation between the two lawyers had not taken place in the presence of the Joint Registrar and thus it was not a case of contempt in the face of the Court. Moreover, the action of the Appellant was not willful as it was at the spur of the moment. The Appellant was regretful and remorseful and had expressed regret without any loss of time. There was no chance of his repetition of the said act and he had not been issued notice to show cause against the punishment of debarment from the Court. He sought reconsideration of the order of imprisonment. The Bench did not find any merit in the application. It was held that the Appellant had the standing of about seven years and he had admitted the incident and had stated that there was no need of issuing notice to him. The indecent behaviour of physical abuse of a lady advocate was undisputed. The incident was in the face of the court and during the judicial proceedings. If the plea of the Appellant was to be accepted it will encourage litigants and their counsel to settle scores by use of force during the court proceedings. The Appellant was given due opportunity but he did not wish to file any reply and wanted the matter to be concluded. Moreover, he could have no explanation for his behaviour. Accordingly, the application was dismissed on 16 January, 2012. ;

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