

# PATNA HIGH COURT

State (Bihar)

Vs

N. Nagamani

Original Criminal Misc. No. 18 of 1958

(S.C. Misra and S.C. Prasad, JJ.)

27.01.1959

## ORDER

**S.C. Prasad, JJ.**

1. This is a proceeding in contempt ordered against the District Magistrate of Saran, Mr. N. Nagamani, I.A.S., in the following circumstances. Under the direction of the Court, one of the members of the bench visited the Criminal Courts in the District of Saran at Chapra, Gopalganj and Siwan. The learned Judge came to certain conclusions as a result of his inspection and he presented a report to this Court duly containing certain comments on the working of the Criminal Courts as also pointing out certain defects therein. A copy of the report of the learned Judge was accordingly sent to the District Magistrate, Saran, for necessary action. The District Magistrate sent a reply to the report addressed to the Registrar, dated the 7th June 1958 (vide letter No. 1833/L). It is that letter which has given rise to the present proceeding against him inasmuch as this Court felt that the letter referred to above was un-warranted and uncalled for. The language and tone of the letter were distinctly disrespectful towards the learned Judge who held inspection of the Criminal Courts at Chapra, Gopalganj and Siwan. The letter amounted to casting reflection upon the dignity of this Court and, consequently, amounted to obstruction to the course of justice. Mr. Nagamani has appeared to show cause and is represented before us by the learned Advocate General, Paragraphs 3 and 4 of the show cause petition, which are relevant, run thus :

"3. That with regard to the language of the letter of 7-6-1958, the petitioner most unreservedly expresses his deep regrets and unqualified apologies and submits that he never intended and never could intend any disrespect to the Hon'ble Judge of this Court.

4. That the said letter was written under a mis-apprehension and the petitioner should have seen that the said report contained directions for future guidance by the courts in the district. Mr. Nagamani, who is present here in person, evidently, appears to be sorry for the letter addressed to

this Court which has given rise to the present proceedings. With regard to the propriety of the above letter, paragraph 4 must be accepted as sufficient explanation as he states that the letter was written under a misapprehension. He appreciates the position that when the High Court forwarded to him a copy of the inspection report by the learned Judge, it was with a view to apprise him of the conclusions recorded in the inspection note so that as the District Magistrate he might take necessary action which was called for according to the tenor of the report. It was not at all necessary for him to address a letter in reply to the High Court. As it is, however, since Mr. Nagamani has now realised that his letter was uncalled for and that he wrote it under a misapprehension, it must be accepted as sufficient, so far as the writing of the letter itself is concerned.

2. The next question for consideration is the language of the letter. The attention of the District Magistrate was drawn to the specific expressions in his letter to which this Court took objection in order to apprise him factually of where he erred and for his future guidance. Mr. Nagamani is a young officer who joined the Indian Administrative Service in 1952 and as such there may be something to be said for the error which he committed in drafting the letter in the language and in the tone employed by him. For instance, he says at one place "I am surprised to find etc., etc.,". Mr. Nagamani should never have used that expression even if he felt that the conclusion of the learned judge was not correct, as he found on fuller enquiry into the matter. The next expression used by him is "... a distorted version based probably on statements made by some interested parties .....". Our objection is only to the use of the expression "distorted" inasmuch as the learned Judge of this Court was not interested in any kind of distortion of fact. He may have come to an incorrect conclusion, but he would certainly be no party to distortion of facts. Another expression which we have brought to His notice is "...has jumped to certain conclusions..". We have explained to him that the expression "jumped to certain conclusion" is highly disrespectful when used in relation to a Judge of this Court. Yet another word which this Court has taken objection to is "absurd" which the District Magistrate has also used in connection with some of the observations of the learned Judge of this Court. This expression should also have been avoided. In paragraph 4, the District Magistrate says pointedly, after having made his comment upon the report of the learned Judge of this Court, "This may kindly be brought to his notice". This also bespeaks a contumelious remark and goes beyond the propriety of the situation, as a District Magistrate was not concerned to tell the High Court what it should do in regard to the reply sent by him to this Court. We have mentioned above that we have taken pains to explain to Mr. Nagamani specifically where he erred in using the expressions referred to above as also in regard to the general tone of the letter for his benefit and in the interest of the decorum which every executive officer has, to observe in relation to his dealings with the judiciary in general and the High Court in particular. Since, however, Mr. Nagamani, as we have said, has tendered unqualified apology and has realised his mistake, it appears that no useful purpose will be served by pursuing this matter further. We have not taken into consideration the factual side of the report of the learned Judge to part of which also Mr. Nagamani demurred, inasmuch as that does not to be relevant in the present proceeding.

3. In the result, the show cause file containing the unqualified apology is accepted and we take it that the contempt is purged by this apology. We have no doubt that Mr. Nagamani will bear it in mind in future and there will be no repetition of the unfortunate position in which he has put himself art account of the present indiscreet letter. The rule for contempt is discharged.

Rule discharged.