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*Before Binod Kumar Roy, C.J. & Mehtab S. Gill, J.*

COURT ON ITS OWN MOTION,—*Petitioner*

*versus*

UJAGAR SINGH AND ANOTHER,—*Respondents*

C.O.C.P. No. 10 of 2001

18th December, 2003

*Contempt of Courts Act, 1971—Ss. 2(c) & 10—Complaint against an Addl. Sessions Judge—On enquiry, High Court finding the complaint frivolous, vexatious and ordering initiation of proceedings of contempt against the complainants—Contemners also filing transfer petition only to prolong the trial— Unqualified and unconditional apology tendered by the contemners to the Court is not bona fide one— Contemners liable to be convicted—Imprisonment for a week and fine of Rs. 2,000 each to the contemners ordered.*

*Held*, that it is clear from Section 2(c) of the Act that any person who scandalizes or tends to scandalize, or lowers or tends to lower the authority of any Court and further obstructs or tends to obstruct the administration of justice in any manner, is liable to be punished under this Act. As per Section 10 of the Act the High Court has power to punish any contempt committed of the Subordinate Courts. The contemners have committed contempt as envisaged in Section 2(c) of the Act and are, thus, held guilty and punishable under Sections 10 and 12 of the Act. We do not find their apology to be a *bona fide* one.

(Paras 10 to 13)

Rajiv Atma Ram, Sr. Advocate with Sunil Chadha, Advocate  
*for the petitioner.*

L.M. Gulati and P.S. Dhaliwal, Advocates for the respondent/  
contemners.

### JUDGMENT

**MEHTAB S. GILL, J**

(1) Shri Kuldip Singh, Additional Sessions Judge, Rup Nagar wrote letter No. 263, dated 25th August, 2000 to the Registrar, Punjab and Haryana High Court through the District and Sessions Judge, Rup Nagar stating, *inter alia*, as follows. There were two cases,

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**State Versus Ujagar Singh etc.** and **State Versus Mohinder Singh etc.** pending in his Court. The case **State Versus Ujagar Singh etc.** was of the year 1996 and was a very old case. Ujagar Singh etc. were not allowing the examination of the witnesses on one pretext or the other. In the case **State Versus Mohinder Singh etc.**, Ujagar Singh was the complainant and which was fixed for evidence on 27th July, 2000. When the case was fixed for examination of Ujagar Singh and Sardara Singh PWs, Ujagar Singh moved an application for transfer for the reason given that he had some apprehension from the opposite party. He adjourned the case and asked Ujagar Singh etc. to move this Court for transfer and either get a stay order or else on the next date of hearing, he would proceed with the recording of the evidence. On the next date i.e. 18th August, 2000, he insisted on the examination of Ujagar Singh and Sardara Singh as Ujagar Singh did not produce any stay order. Sardara Singh made a statement that he is not ready for examination and that he be discharged. Accordingly, he was discharged. Ujagar Singh requested for an adjournment, which was declined, as his examination was insisted upon. He complained that he was puzzled and was shivering. He further requested that he may be provided medical aid. Ujagar Singh was sent to the doctor and the case was adjourned for 24th Augsut, 2000. On 24th Augsut, 2000 Ujagar Singh stated that his hands and legs are trembling and cannot make any statement. A Photostat copy of transfer petition dated 26th July, 2001 of the case filed by Prem Singh and Ujagar Singh to the Sessions Judge, Ropar was made available. At the bottom of the said petition it was written that the opposite party have raised hue and cry that they have given money to him to have the cases decided in their favour.

[1.1] The allegation made against him were enquired into by the District and Sessions Judge, Vigilance, Punjab. He submitted his report on 12th March, 2001 to the Vigilance Judge, who concluded as under :—

“It is, therefore, concluded that the Photostat copy of the complaint dated 24th August, 2000, moved by Ujagar Singh and Prem Singh in the Court of Shri Kuldeep Singh, Additional Sessions Judge, Ropar was frivolous vexatious and motivated to prolong the trial. Its copy was also addressed to Hon'ble the Chief Justice. It deserves to be filed. On the reference made by Shri Kuldeep Singh, Additional Sessions Judge under the

Contempt of Courts Act, 1971, the proceedings be initiated against Prem Singh and Ujagar Singh cotemners.”

[1.2] The Report of the Vigilance Judge, Punjab was put up before the then Hon'ble Inspecting Judge. The Inspecting Judge filed the complaint recommending initiation of proceedings under Sections 10, 11 and 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as “the Act”) against Prem Singh and Ujagar Singh.

[1.3] The Court issued notices to Prem Singh and Ujagar Singh.

[2] Both Prem Singh and Ujagar Singh the Contemners filed their replies.

[2.1] In this reply, Ujagar Singh denied all the allegation. He further stated that he never doubted the integrity and honesty of the learned Additional District and Sessions Judge, who was trying his cases, there was no intention on his part to lower the dignity of the Court in the general public; and that he tenders his unqualified apology to the Court.

[2.2] The Contemner Prem Singh also filed his reply. He also denied all the charges. He further stated that any delay in the trial was unintentional; any word uttered was result of the mental stress, he tenders his unqualified and unconditional apology to this Court as well as the Court of learned Additional District and Sessions Judge, Ropar. He placed on record certain commendation certificates attached as Annexures R-1 to R-4 given to him by the Inspector General of Police, U.T., Chandigarh when he was working as a Constable in the police force.

[3] Before the final arguments could be heard by the Court, Mr. L.M. Gulati, learned counsel for the contemners on 11th March, 2003 prayed for an adjournment stating that he intends to advise his clients to appear before Shri Kuldip Singh, learned Additional Sessions Judge and tender an apology at the first instance. The case was adjourned and posted for hearing on 31 March, 2003.

[4] Shri Kuldip Singh, learned Additional Sessions Judge, sent a Demi Official letter No. 258 dated 26th March, 2003 to the Resistrar, Punjab and Haryana High Court, Chandigarh, Paragraph 2 of his letter read as under :—

“In this regard, it is submitted that in pursuance to the order, Shri Ujagar Singh and Prem Singh contemners appeared before undersigned on 25th March, 2003 at

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12.30 P.M. and also submitted written application seeking pardon. Orally also they sought apology for their behaviour with folded hands and have promised that they will not repeat their misconduct in future before any Court. Hence, comments. Hon'ble High Court may pass any order as it deem fit in the given circumstances."

(5) Mr. Rajiv Atma Ram, learned Senior Advocate, assisting the Court drew our attention to order dated 26th February, 2001 passed by the learned Single Judge of this Court in Criminal Miscellaneous No.27374-M of 2000 filed by the two contemnors under Section 407 read with Section 482 of the Code of Criminal Procedure for transfer of the case pending the Court of learned Additional Sessions Judge Shri Kuldip Singh, recording a finding that conduct of the contemnors was contemptuous and thus they be held guilty and sentenced.

(6) Mr. L.M. Gulati, learned counsel for the contemnors, at the very outset pleaded to show mercy to the contemnors stating, *inter alia*, that the contemnors are old father and son; if any punishment is to be inflicted on them, their future will be ruined and they will be condemned in the eyes of the general public; Prem Singh was a Constable in the Chandigarh Police, who got several commendation certificates from the Inspector General of Police (Annexures R-1 to R-4); they are law abiding citizens and they did not indulge in or will they indulge in acts, which lower the dignity of the Courts.

(7) The learned Single Judge in his order dated 26th February, 2001, stated as under :—

*"Prima facie*, when one reads the petition, it seems that the trial Court is not conducting the trial in accordance with law. However, when one reads the statements made by the petitioner-Ujaggar Singh in court, it becomes apparent that the allegations which have been made against the trial Judge are wholly frivolous, vexatious and motivated to prolong the trial."

It has further been stated that 22 cases are pending between the parties in the village. Numerous complaints have been made against the Presiding Officer over and over again. The learned Judge dismissed the transfer petition after taking the entire facts and circumstances into consideration.

(8) Thus, it has been rightly argued by Shri Rajiv Atma Ram that a finding has already come on the judicial side against the Contemnners that the allegations which they made against the Judge were wholly frivolous, vexatious and motivated to prolong the trial which has attained finality.

(9) From the letter of the learned Additional Sessions Judge Shri Kuldip Singh, who is now working as Presiding Officer, Labour Court, Jalandhar, it is clear that he has not accepted the apology of the contemnners.

(10) It is clear from Section 2(c) of the Act that any person who scandalizes or tends to scandalize, or lowers or tends to lower the authority of any court and further obstructs or tends to obstruct the administration of justice in any manner, is liable to be punished under this Act.

(11) As per Section 10 of the Act, the High Court has power to punish any contempt committed of the Subordinate Courts.

(12) From the materials on the record, it is clear that the contemnners have committed contempt as envisaged in Section 2(c) of the Act and are thus held guilty and punishable under Section 10 and 12 of the Act.

(13) We do not find their apology to be a *bona fide* one.

(14) The contemnners Ujagar Singh and Prem Singh are thus convicted under Section 10 read with Section 12 of the Act.

(15) Having regard to the entire facts and circumstances we direct their simple imprisonment for a week and to pay fine of Rs. 2000 each. In default of payment of fine, they shall undergo 15 days simple imprisonment each.

(16) They are directed to surrender on the 91st day before the Superintendent, Model Jail, Burail, Chandigarh to undergo their sentence.

(17) Let a copy of this order be sent by the office to the Superintendent, Model Jail, Burail, Chandigarh.