

In Re: V, an Advocate

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Court : Allahabad

Decided On : Sep-08-1933

Reported in : AIR1934All317

Appellant : In Re: V, an Advocate

Judgement :

Sulaiman, C.J.

1. The Judge of the Court of Small Causes at Aligarh has very properly made a complaint to this Court that some suitable action may be taken against Mr. V. advocate, inasmuch as he sent a threatening letter, dated 31st July 1933, to him.

2. In this letter Mr. V, after informing the Judge that steps were being taken to put a certain decree in execution, while a revision was pending in the High Court, stated as follows:

I take the liberty to suggest to you that if you will be pleased after this information to stay all future actions in the said execution pending the final order in the said revision filed here at Allahabad, it shall be the best. I am taking this opportunity to inform you so that in case further action in execution is taken even after this information and my client(after success) files a suit for damages, you shall not be in a position to put in your plea of good faith and bona fide. Also, if contrary is done my client shall remain safe from future botheration.

3. The writer wounds by saying that the Judge was at liberty to do the best under the circumstances. It cannot be suggested for a moment that the tone and the purport of the letter were not most objectionable and grossly improper. It undoubtedly was intended to convey a threat to the judicial officer that it would be best in his own interest to stay all further action in the execution case; and it was coupled with the further intimidation that in case further action were taken a suit for damages would be filed against the judicial officer personally and in view of the said notice he would be deprived of a plea of good faith and bona fides. The intention obviously was to influence the mind of the Judge by the threat held out to him and to prevent him from passing orders in the execution case which may, in his free and independent judgment, appear to be most just and proper. A private communication of this kind if tolerated, would improperly interfere with the pure administration of justice and cannot be allowed to go unpunished. Oswald in his treatise on Contempt, Ch. 1, pp. 6 and 7, has quoted a case showing that the main question has always been whether or not there has been an interference or a tendency to interfere with the administration of justice; and it has always been held that attempting to intimidate or improperly to influence a Judge is a contempt. In *In re Dyce Sombre* (1849) 41 E.R. 1207, Lord Cottenham, L.C., laid down a general rule at p. 1209:

That every private communication to a Judge for the purpose of influencing his decision upon a matter publicly before him always is, and ought to be, reprobated; it is a course calculated if tolerated, to divert the course of justice, and, is concerned, and ought more frequently than it is, to be treated as, what it really is, a high, contempt of Court.

4. The Lord Chancellor deprecated its-being

too often excused on account of the station in life of the parties and their supposed ignorance' of what is due to a Court of justice.

5. We accordingly take very serious view of the threat made to the Judge of the Small Cause Court that if he did not stay all future actions a suit for damages would be brought against him. It must be borne in mind that a contempt can never be completely purged by a mere subsequent apology howsoever full and ample.

We accordingly convict him under Section 3, Contempt of Courts Act, 1926, and order that he pay a fine of Rs. 100. But Mr. V has been rightly advised to admit his guilt, tender an unconditional apology, to the Judge of the Court below, and to throw himself on the mercy of this Court. A written apology sent by him has been filed in which he has stated:

The petitioner admits his guilt and has been feeling repentance over what he has foolishly done, feels ashamed at his conduct in writing the letter, undertakes not to do anything similar in future and tenders full and unqualified apology to this Court as well as to the Judge of the Court below.

6. It is in view of the unconditional apology made by Mr. V that we direct that the punishment be remitted under the proviso to Section 3.

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