

In Re: an Advocate of Bareilly

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Court : Allahabad

Decided On : Jul-13-1928

Reported in : AIR1928All673

Appellant : In Re: an Advocate of Bareilly

Judgement :

1. In this case a notice was issued on 21st June 1928, to Mr. Mohamad Qamar Ali, Advocate of Bareilly as the writer of an article appearing in the Rohilkhand Gazette on or about 1st April 1928, and to Mr. Mohamad Aziz as the editor and publisher of the Rohilkhand Gazette to show cause why they should not be convicted for contempt, inasmuch as the article was likely to prejudice the course of justice inasmuch as a criminal case was pending in the Court of Mr. Ram Babu Saksena, a Magistrate at Bareilly, and the article related to that pending case.

2. Mr. Mohamad Aziz has stated before us that he admits his guilt and he apologizes. He asked us to accept what he stated before the District Magistrate on 25th May 1928, as his explanation and apology in this case.

3. Mr. Mohammad Qamar Ali filed a written statement in this Court in which he sought to justify his conduct. But in the course of the hearing of the case he was better advised and he filed an unqualified apology to this Court and to the Court of the learned Magistrate in whose Court the case was pending, at the time the article appeared. We have ourselves no doubt whatsoever that Mr. Mohammad Qamar Ali's action in writing and getting the article published was a case of

contempt of Court. But having regard to all the circumstances of the case and specially to the fact that Act 12 of 1926 relating to the contempt of subordinate Courts has been on the Statute Book only for about two years, we have decided to accept the two apologies. In the case of Mr. Mohammad Qamar Ali, however, we think that he must pay the costs of the day, in the shape of the Government Advocate's fee assessed at Rs. 200. Mr. Mohammad Aziz was entirely in the hands of Mr. Mohammad Qamar Ali, and we do not think that anything more than a mere giving of warning should be ordered in his case.

4. We accordingly, while convicting Mr. Mohammad Qamar Ali and Mr. Mohammad Aziz of contempt of Court, with respect to the Court of the Magistrate at Bareilly, Mr. Ram Babu Saksena, discharge them on their apologies. In the case of Mr. Mohammad Qamar Ali, however, we direct that he shall pay the costs of the day, namely, Rs. 200, being the fee of the Government Advocate.

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