

State Vs. J.P. Singh

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Court : Delhi

Decided On : Sep-02-1992

Reported in : 1992(24)DRJ221A

Judge : Jaspal Singh, J.

Appeal No. : Criminal Contempt Appeal No. 7 of 1992

Appellant : State

Respondent : J.P. Singh

Judgement :

Jaspal Singh, J.

(1) Hardly a few hundred yards away from the Tis Hazari Courts there is a single storeyed bungalow. It is the official residence of an Additional District and Sessions Judge. He lives there with his family. J.P.Singh is his name. Beyond that house, but at some distance, is the St. Stephens Hospital. It appears that the land underneath the bungalow has been allotted to the hospital for its expansion though there was a long standing demand for its being made a part of court complex. The matter is before the High Court and it appears that an order to maintain status quo is in operation. This should have kept the peace. However, it did not.

(2) It happened on the night of August 24. The Registrar came to know about it the same very night but for reasons best known to him, informed the Chief Justice about it on the 25th. The lesser mortals came to know on the morning of the 26th only and that too through the media. The news item was with regard to an attack on the person of Mr. Singh and his wife by some staffers of the St. Stephens hospital. This led to my order of the 26th calling upon the Commissioner of Police, the District and Sessions Judge and the Registrar to submit reports. Subsequently, I called upon the Registrar to also place before me the applications/reports, if any made by Mr. Singh. He has complied with the same.

(3) What does the record show? It shows, to put it very briefly, that on the night of 24th while Mr. Singh was busy going through some judicial files (every judicial officer maintains office at his residence and has to spend sufficient time at home to go through the files), a mob led by some officials of the Hospital and aided and abetted by others, physically assaulted Mr. Singh and his wife voluntarily causing hurt, threw brick bats, subjected them also to intimidation, insult and humiliation. Abuses were hurled at them and damage was caused to the building. Only timely help of the police saved them from greater harm. The incident so unnerved the officer that he had to proceed on leave resulting in disruption of court work and its proper functioning. It appears that those responsible for the sordid attack knew fully well that Mr. Singh was Additional District and Sessions Judge of Delhi, that the lady in question was none other but his wife and that the bungalow was their lawfully allotted official residence-cum-office. I assume, they must have been aware of the stay order as well.

(4) In my order of the 26th I observed that, prima facie, it is a case of contempt of court. The documents placed before me have lent further support. Judgments in two cases, one a little distant in matter of time and the other whose reverberations are still strong have further fortified my view. Let me deal with them in required measure.

(5) The first is State v. Debabrata : AIR1964 Cal572 . The victim was a Subordinate Judge posted at Krishnagar. He was staying in an officially allotted room in the Circuit House. In defiance of the Rules of the Circuit House, the

District Magistrate broke open the lock of the room, seized the personal goods and articles of the judicial officer and dispossessed him of the room and as in the present case the officer had to remain on leave. The Court observed:

'.....WE have no hesitation in finding in the facts of this case that the acts and conduct of this District Magistrate are calculated to lower the authority of the Court and weaken the sense of public confidence in the administration of justice and are therefore gross and clear contempt.

(6) The second is known as Delhi Judicial Service Association Tis Hazari Court v. State of Gujarat : 1991 CriLJ3086 . The facts are too well known to the legal world and need not be recapitulated in detail. It was a case where a Chief Judicial Magistrate was arrested, assaulted and kept in wrongful detention after having been taken to a police station. What is important for our purposes are the following observations made by the Supreme Court:

'THE Subordinate Courts at the district level cater to the need of the masses in administering justice at the base level. By and large the majority of the people get their disputes adjudicated in subordinate courts, it is in the general interest of the community that the authority of subordinate courts is protected. If the Cjm

(7) The incident Involving Mr.J.P.Singh, Additional District & Session Judge is led into trap by unscrupulous police officers and if he is assaulted, handcuffed and roped, the public is bound to lose faith in courts which would be destructive of basic structure of an ordered society. If this is permitted Rule of law shall be supplanted by Police Raj. Viewed in this perspective the incident is not a case of physical assault on an individual judicial officer instead it is an onslaught on the institution of the judiciary itself. The incident is a clear interference with the administration of justice, lowering its judicial authority.' And: 'Those who have to discharge duty in a Court of Justice are protected by the law and shielded in the discharge of their duties, and deliberate interference with the discharge of such duties either in Court or outside the Court by attacking the presiding officers of the Court would amount to criminal contempt and the Courts must take serious cognizance Of such conduct. ' The facts placed before me put the case on a much stronger footing than the case before the Calcutta High Court and are as

intolerably sickening as in the case before the Supreme Court.

(8) Judges are the channels by which justice is conveyed to the people. It is, therefore, not for the sake of an individual judge but for the sake of the people that his person has to be under protection. The cause is of the public. Whatever be the form of the endeavor to impair and abate what Livy says in his character of Evander:- 'Authorita'e magie quam imperio pullebat', it erodes the deference and respect which is paid to the court and their acts, and the 'court' means nothing but the judges who constitute it. If the facts indicate what I have stated and if they are true, I have not the slightest doubt they constitute gross contempt of court.

(9) The choice is limited. Either we pronounce an orison funebre and convert a living vibrant institution into a tomb or save it from those who are out to murder its frame. Since it is the cause of the public which requires to be vindicated, what is required is wiser heads and broader shoulders. 1. therefore, request the Chief Justice to constitute a larger bench, preferably of not less than three judges, to hear and decide.

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