

Vs. M. Ranka, Advocate

Vs. M. Ranka, Advocate

SooperKanoon Citation : sooperkanoon.com/821598

Court : Chennai

Decided On : Feb-19-1996

Reported in : 1996(1)CTC529

Judge : Srinivasan and ;S.M. Abdul Wahab, JJ.

Acts : Contempt of Court Act, 1971 - Sections 12 and 14; Advocates Act - Sections 49; Bar Council of India Rules - Rule 2

Appeal No. : Suo Motu Contempt Application No. 17 of 1996 and sub Application No. 36 of 1996

Respondent : M. Ranka, Advocate

Disposition : Application dismissed

Judgement :

ORDER

Srinivasan, J.

1. When W.A. No. 1360 of 1995 was being heard by this Court, it was pointed out by the Court that the original records in the case were giving a different picture from what was mentioned by the counsel for the appellant in his opening arguments. Counsel raised his voice and shouted at the Court and did not allow the Court to complete the observations which it wanted to make. Hence the Court

had to direct the Registry to issue a notice of contempt to the counsel to show cause why he should not be punished for contempt. That notice was made returnable on 19.2.1996. Thus, after service of notice the matter came up today.

2. Mr. Ranka has filed Sub Application No. 36 of 1996, in which he has prayed for having the charge against him tried by some other Bench in the interest of proper administration of justice. In the affidavit filed in support of the said application, he has stated, what according to him, are the correct facts. In paragraph 2, he has set out the duty of an advocate to his client and in paragraph 3 he has referred to Rule 15 of the Rules framed Under Section 49(c) of the Advocates Act. In Paragraph 5, he has stated as follows:

'In the instant case, during the course of arguments in the writ appeal, I had politely submitted before this august Bench that the former counsel of my client did not diligently pursue certain RCOP proceedings and on a particular date, he chose to remain absent, with the result the respondent was set ex parte and some order was pronounced to the prejudice of the respondent; (in the RCOP) by the learned Rent Controller. In support of that submission, I had commenced reading from a xerox copy of an order, after giving the certified copy thereof to this august Bench, as also the other side counsel. But His Lordship Mr. Justice Srinivasan was pleased to observe that the certified copy of the order differed from the original order which was available with Court. I politely, but firmly, replied that I was not concerned with the original record and or the original order copy of which had not been granted to me. I was and am still unable to subscribe to the view that the Registry of the Court could or should have supplied a certified copy of a certain order which could be at variance from the original text of the order. I had submitted that if the certified copy given to me was not the fascimile of the original; then I fail to understand as to wherefrom the Registry could give an altogether different certified copy My this statement with some amount of emphasis was not received kindly by His Lordship Mr. Justice Srinivasan. Earlier to this, I had read out from the writ affidavit that the husband of my client was a mentally imbecile person. These statements of mine albeit, made in my usual tone infuriated His Lordship Mr. Justice Srinivasan to react sharply by observing that I was writing cock and bull stories in the affdavit; that I was guilty of prejury; that I was shouting at the

Court and that I was preventing the Court from making a statement; which amounted to Contempt of Court.'

3. The statement that he was politely submitting to the Court is not correct. Politeness was nowhere near him. His further statement that the Court accused him in writing cock and bull stories in the affidavit and being guilty of perjury is also not correct. The Court never accused him of such offences or misconduct. The Court only stated that the appellant in the Writ Appeal, who was the petitioner in the writ petition, had written a cock and bull story in the affidavit filed in support of the writ petition and was guilty of perjury. When we asked Mr. Ranka about this today, he says himself and his client were one in this regard as the affidavit in the writ petition was drafted by him.

4. The affidavit proceeds to say that Mr. Ranka never prevented the Court from making its commends. That is not correct. At that particular point of time, when the Court was making some observations against the appellant in the writ appeal, Mr. Ranka started shouting at the Court and did not allow the Court to complete its statement. That necessitated an action for contempt. The affidavit again repeats in para 7 that the Court declared him that he was writing cock and bull stories in the pleadings and was guilty of perjury. That is not correct. The Court never made any accusation against the counsel Mr. Ranka. All the observations of the Court in that regard were directed only against the appellant in the writ appeal.

5. The affidavit quoted a Latin maximum - Nemo Repente Fuit Tur Pissimus. The meaning is 'no one ever became a villain in an instant'. The maxim has no relevance as this was not the first occasion when Mr. Ranka shouted at the Court.

6. It is not necessary for us to refer to the other averments contained in the affidavit for the purpose of this order. The prayer made in the Sub-application by the applicant is not acceptable in view of the dictum of the Supreme Court in *Re. Vinay Chandra Mishra* : 1995 CriLJ3994 . The Supreme Court has pointed out in that case that the power of a High Court to punish for contempt in the face of the court is for a specific purpose of protecting the administration of justice. When the Court exercises such power and hears a proceeding in contempt, it is not for vindicating any personal right of the judge concerned, but to uphold the majesty

and dignity of the Court and to see that the administration of justice is never impeded. The relevant observations of the Supreme Court are as follows:

'The consensus of opinion among the judiciary and the jurists alike is that despite the objection that the judge deals with the contempt himself.(sic) and the contemner has little opportunity to defend himself, there is a residue of cases where not only it is justifiable to punish on the spot but it is the only realistic way of dealing with certain offenders. This procedure does not offend against the principle of natural justice, viz. *nemo iudex in sua causa* since the prosecution is not aimed at protecting the judge, personally but protecting the administration of justice. The threat of immediate punishment is the most effective deterrent against misconduct. The judge has to remain in full control of the hearing of the case and he must be able to take steps to restore order as early and quickly as possible. The time factor is crucial. Dragging out the contempt proceedings means a lengthy interruption to the main proceedings which paralyses the court for a time and indirectly impedes the speed and efficiency with which justice is administered. Instant justice can never be completely satisfactory, yet it does provide the simplest, most effective and least unsatisfactory method of dealing with disruptive conduct in court. So long as the contemner's interests are adequately safeguarded but giving him an opportunity of being heard in his defence, even summary procedure in the case of contempt in the face of the court is commended and not faulted.

We do not therefore find any justification to grant the prayer made in the Sub-application.

7. We have stated as to what happened in Court in our judgment in W.A. No. 1360 of 1995 dated 19.1.19%. In fact, what we have stated in the beginning of this order is only extracted from that judgment. We have no hesitation to hold that Mr. Ranka shouted at the Court and prevented the Court from completing its observations which it wanted to make in the course of arguments.

8. Rule 2 of the Rules framed by the Bar Council Under Section 49(c) of the Advocates Act reads that an advocate shall maintain towards the Court respectful attitude bearing in mind that the dignity of the judicial office is essential for the survival of the free community. There is no doubt in this case that the said Rule

has been violated by Mr. Ranka. We hold that Mr. Ranka is guilty of contempt as he obstructed the proceedings in the court by his shouting. However, on the question of punishment, we are of the opinion, keeping in view that he has been practising in this Court for nearly 17 years, it will be sufficient if we administer a strict warning to him that he shall not repeat such act in any Court, and discharge him. We do not think any other punishment is necessary in this case. Sub Application 36 of 1996 is dismissed.

9. Mr. Ranka prays for leave to appeal to Supreme Court. In our opinion, it is not a fit case for being taken on appeal to the Supreme Court. Hence the request is rejected.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com