

**Abdul Rehman Vs State**

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**Court :** Delhi

**Decided On :** Jul-15-2010

**Judge :** Ms. Hima kohli, J.

**Acts :** Code Of Criminal Procedure (CRPC) - Section 345

**Appeal No. :** CRL. REV. PET. No.279/2009 & CrI.M.As. No.5442/2009, 8299/2009, 394/2010 ; 3417/2010

**Appellant :** Abdul Rehman

**Respondent :** State

**Advocate for Def. :** Mr. M.N. Dudeja, ; Mr. G.D. Gandhi, Advs.

**Judgement :**

1. Whether Reporters of Local papers may be allowed to see the Judgment? No
2. To be referred to the Reporter or not? No
3. Whether the judgment should be reported in the Digest? No

**ORDER. ( Oral )**

1. The present petition is filed by the petitioner praying inter alia for setting aside the order dated 13.5.2009 passed by the learned ADJ in Civil Suit No.227/2008 entitled 'Rajesh Duggal vs. UOI & Ors.' (Annexure P-3).

2. In the aforesaid order, the learned ADJ observed that the petitioner(defendant No.5 in the Court below) tried to obstruct the proceedings of the court, raised his voice, used intemperate language in court and that the court thus took cognizance against him under Section 345 Cr.P.C. Thereafter, an opportunity to show cause was granted to the petitioner as to why he not be punished under the aforesaid provision and the matter was adjourned for half an hour, to enable him to submit his reply.

3. The case was again taken up at 12.50 PM and it was observed that the petitioner/defendant No.5 did not appear despite the matter being called and instead, Shri Shad Anwar, Advocate appeared and stated that he was unaware of the non-appearance of the petitioner/defendant No.5. In the absence of any reply to the notice to show cause, the learned ADJ proceeded to punish the petitioner/defendant No.5 by imposing a fine of Rs.200/- upon him and in default of payment of fine, directed that he had to face simple imprisonment for a term of one month. He further directed that the fine would have to be paid in the course of the day. However, in the interest of justice, further period of one hour was granted to the petitioner/defendant No.5 to appear in the court at 2.00 PM, to face the punishment as awarded in the said order.

4. At 2.25 PM, the counsel for the petitioner/defendant No.5 appeared and a reply was submitted, which did not bear the signatures of the petitioner/defendant No.5, but only that of his counsel. The learned ADJ held that the reply could not be looked at and the same was rejected. Aggrieved by the aforesaid orders, the petitioner has filed the present petition.

5. On the very first date, i.e., on 14.5.2009, the statement of the petitioner was recorded to the effect that he had no intention either to obstruct the proceedings of the court or in either way to show disrespect in any manner whatsoever. He also submitted that an oral show cause notice was issued to him and thereafter, half an hour was granted to him to file his reply. Vide order dated 14.5.2010, while issuing notice in the present petition, operation of the impugned order was stayed. Thereafter, appearance was entered on behalf of the respondent. It is noted in the order dated 12.3.2010 that counsel for the petitioner volunteered to deposit the

fine of Rs.200/-, without prejudice to the grounds of challenge laid in the present petition. In view of the aforesaid statement made on behalf of the petitioner, it was directed that the fine be deposited within one week, failing which the trial court would be at liberty to proceed against the petitioner in accordance with law. Counsel for the petitioner appeared on the next date of hearing, i.e., on 22.3.2010, to state that the fine amount was deposited on 18.3.2010.

6. Today, the petitioner, who appears in person, tenders an unqualified apology for the incident which occurred on 13.5.2009 and states that he has the highest respect and regard for the court and had no intention to obstruct the court proceedings or to lower the dignity of the Court. He specifically seeks to withdraw the remarks made by him against the Presiding Officer in para 5 of the petition, as contained in the last sentence at page 3, spilling over to first sentence at page 4 of the appeal paper book. The petitioner assures the Court that he shall be more careful in future and shall not indulge in any conduct which amounts to lowering the dignity of the Court, or results in obstructing the court proceedings.

7. Having regard to the aforesaid unqualified apology tendered by the petitioner and in view of the fact that the fine of Rs.200/-, imposed on the petitioner, stands deposited, the present proceedings are brought to an end. The apology of the petitioner is accepted. The remarks made by the petitioner, as contained in the last sentence of para 5 at page 3, spilling over to first sentence at page 4 of the appeal paper book, stand expunged. The petition is disposed of along with the pending applications.

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