

IN THE HIGH COURT OF ORISSA AT CUTTACK

SUO MOTU CONTC No.6604 of 2022

***Registrar (Judicial),
Orissa High Court***

.....

Petitioner
Mr. Ashok Kumar Parija,
Advocate General
Mr. Jyoti Prakash Patnaik,
Government Advocate

-Versus-

***Nakul Kumar Nayak,
President, Lawyers Bars Association, Tangi.....***

***Opp. Party/
Contemnor***

CORAM:

**JUSTICE S. TALAPATRA
DR. JUSTICE S.K. PANIGRAHI**

**ORDER
01.11.2022**

Order No.

01.

1. This matter is taken up through Hybrid Mode.
2. Reference of the Hon'ble the Chief Justice dated 30.10.2022 has been placed before us. The said reference is based on materials placed in the supplementary file. A letter written by Smt. Siona Siddharth Moharana, Nyayadhikari-cum-J.M.F.C. posted at Tangi has been placed in the supplementary file. In the said letter dated 21.10.2022, she has narrated in detail about the conduct of the Opp. Party.

3. It has been revealed in the said letter that the Opp. Party abused the said Judicial Magistrate in “filthy language” from outside her chamber and uttered “how dare the P.O. reject the bail petition”. Thereafter, at about 5.20 P.M., when the said Judicial Magistrate was proceeding towards her residence, at that time, the Opp. Party had physically obstructed her way outside the Court building, but inside the Court premises. At that time, he was accompanied by some “non-practitioner advocates of Tangi Bar Association and some outsiders comprising of total 60 to 70 people in the Court premises”. They stopped her and threatened her by saying “how dare you reject the bail petition”. The Judicial Magistrate tried to pacify him by telling that the accused person had antecedents of criminal activities and he was entangled in two more cases. Hence, she had rejected the bail petition. She had further stated to them that she had given those reasons in her order rejecting the bail prayer of the accused for whom the Opp. Party was appearing. She had further reminded the Opp. Party that, if the accused was aggrieved by her order, they had the remedy in the superior Courts. The Opp. Party and his companions did not relent and continued to misbehave with her in a threatening voice by calling her experience in question that she was a new entrant and he was a seasoned professional. As a part of her professional duty, she immediately informed the incident to the Registrar, District Court,

Khurda. In the said letter, she has expressed her dismay by noting that “he finally threatened me that as you have rejected the bail petition of my client, hence, from tomorrow we will boycott your Court.”

4. The Judicial Magistrate has mentioned that the whole incident took place in presence of Court staffs, Police escorts of two Police Stations and CASI staffs and other outsiders. She has also narrated a past incident by stating that “even two months ago, when one of our group-D staffs namely Susanta Kumar Sethi was performing night watchman duty in the Court, as at that time, Tangi Bar Association had called for cease work and they were staying in the Court premises till very late hours, at that time at about 11.45 P.M. to 12 A.M., my staff Susanta Kumar Sethi called me and told me that the Bar President being fully drunk was hitting the main door of the Court building and when my staff had enquired about the matter, then he [had] abused him in highly un-parliamentary and obscene languages and even abused me in front of him in my name.

Even on earlier occasions, that person had time and again threatened her. He has propensity to call for boycotting of the court whenever any order had gone against his interest. An unhealthy atmosphere has been unleashed in the Tangi Court.

5. Mr. Ashok Kumar Parija, learned Advocate General has also perused the said letter.

6. We are taken aback how a responsible office-bearer of the Bar Association could behave in the manner with a Judicial Magistrate, who was discharging her judicial duties.

7. According to us, sufficient materials are on records to take cognizance of criminal contempt committed by the Opp. Party. The act of the Opp. Party comes within the meaning of 'criminal contempt' as defined under Section-2(C) of the Contempt of Courts Act, 1971. His conduct has not only scandalized the Judicial Magistrate but also interfered with the due course of the judicial proceeding. Further, he has tended to obstruct the process of administration of justice.

8. Accordingly, the cognizance is taken under Section-15(2) of the Contempt of Courts Act, 1971.

9. Issue notice asking the Opp. Party as to why the charge for committing criminal contempt shall not be framed against him or why he shall not be prosecuted or tried for the said criminal contempt or why such other order/orders as deemed fit in the interest of justice shall not be passed.

10. The notice is made returnable on 17.11.2022.

11. Copy of this order be furnished to the Chairman, Odisha State Bar Council and to the learned Advocate General, Odisha.

12. We would request Mr. Ashok Kumar Parija, learned Advocate General, Odisha to assist us in this matter.

13. A copy of the letter of the Judicial Magistrate dated 21.10.2022 shall be made part of the show-cause notice.

(S. Talapatra)
Judge

(Dr. S.K. Panigrahi)
Judge



Subhasis



