

Coram :- Hon'ble Mr.S.Dayal, Member (A)
Hon'ble Mr.Rafiq Uddin, Member (J)

O R D E R (Reserved)

(By Hon'ble Mr.S.Dayal, A.M.)

The contemner in this case had filed O.A.No. 278 of 1994. Judgement was reserved in this case with the stipulation that the respondents should file certain documents so that the order could be passed after seeing the information contained in the documents. The contemner in the original application submitted a number of Misc.Applications which had to be listed for consideration of the Bench. The contemner in this case used unsavoury and derogatory language for the Bench pending for orders. A suomotu cognizance was taken of the remarks made by the contemner and proceedings for contempt in contempt application No.50 of 1996 were initiated against the contemner. The following charge was framed on the basis of order passed in Contempt application No.50/96 on 20-5-97 :-

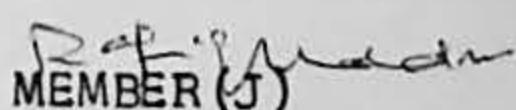
"You have committed Exfacie Criminal Contempt of this court in pleadings filed by you as also in telegram and petition sent by you to other Authorities, copy of which were received and kept in O.A. 278/94 and in giving reply to the notice given to you for Exfacie Criminal Contempt of this Court punishable under section 12 of Contempt of Court,1971."

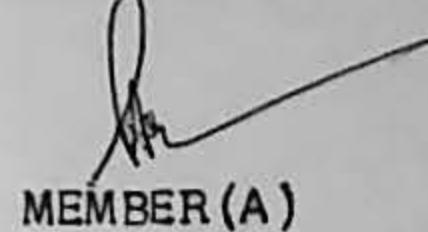
- 2) A notice was issued to the contemner to answer the charge framed in the order in contempt application No.50 of 1996. The replies filed by the contemner and the Misc.Applications given by him repeated the

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earlier allegations which were discussed in order dated 20-5-97 in Contempt Application No.50/96. Therefore, the contemner was asked to remain present and the charge was read over to him, to which he pleaded not guilty. The contemner admitted that time was allowed to the respondents to produce Testing Register, T.Z.Selector and R.R.Testing record on 27-3-95. He also admitted that he has filed Misc.Applications seeking inspection of record and evidence after the T.Z.Selector and R.R.Testing record was produced. He admitted that he had used the derogatory and unsavoury language against the Bench of the Tribunal. He showed remorsefulness when he was asked whether the contents of the Rejoinder Affidavit filed by him on 15-10-99 amounted to unconditional apology, then he states that he was not a legal expert, and that only interpretation of paragraph 10 could show whether it was conditional or unconditional. He, however, showed remorse and withdrew ~~all~~ all remarks made against the Tribunal in all the Misc.Applications and tendered unconditional apology.

3) We have considered the facts that contemner had chosen to pursue his original application himself unassisted by a lawyer. He showed gross immaturity in the use of language. We, therefore, accept the unconditional apology tendered by him before us and discharge the notice for contempt given to him. The warrant which was earlier issued against the contemner is cancelled. The Bond furnished by the applicant and a Surety are no longer necessary and stand discharged.


MEMBER (J)


MEMBER (A)

Dated : 9-12-99