

The High Court of Karnataka (Contempt of Court Proceedings) Rules, 1981

KARNATAKA

India

The High Court of Karnataka (Contempt of Court Proceedings) Rules, 1981

Rule 153 of 1981

- Published on 23 December 1980
- Commenced on 23 December 1980
- [This is the version of this document from 23 December 1980.]
- [Note: The original publication document is not available and this content could not be verified.]

The High Court of Karnataka (Contempt of Court Proceedings) Rules, 1981Published vide Notification No. RPS 153 of 80, dated 23.12.1980Last Updated 11th December, 2019Notification No. RPS 153 of 80. - In exercise of the powers conferred by Article 215 of the Constitution of the India, section 23 of the Contempt of Courts Act, 1971, and all other powers enabling in that behalf, to regulate the proceedings for contempt of itself or of a Court subordinate to it, the High Court of Karnataka makes the following rules.

1. Title.

(1)These rules shall be called the High Court of Karnataka (Contempt of Court Proceedings) Rules, 1981.(2)They shall come into force on the date of publication in the Karnataka Gazette.

2. Definition.

- In these rules, unless the context otherwise requires, the words and expressions shall have the meaning as defined in this rule:(i)"Act" means the Contempt of Courts Act, 1971 (Act 70 of 1971);(ii)"Code" means the Code of Criminal Procedure, 1973 (Act 2 of 1974);(iii)"High Court" means the High Court of Karnataka;(iv)"Form" means the form set out in the Appendix to these rules; and(v)All other words and expression shall have the same meanings as defined in the Act.

3. Form of motion.

- (i) Every motion for taking action for contempt of the High Court shall be in the Form of a petition and shall be entitled "in the matter of proceeding for contempt of High Court under Article 215 of the Constitution and the Contempt of Courts Act, 1971" and(ii)Every motion for taking action for

contempt of any Court subordinate to the High Court, shall be in the form of a petition and shall be entitled "in the matter of proceeding for contempt under the Contempt of Courts Act, 1971."

4. Parties to proceedings.

- (i) The party who presents the petition shall be described as "Complainant" and (ii) in all proceedings, for contempt, the alleged contemner shall be described as "accused".

5. Contents of Petition.

- (i) The petition shall set out the following particulars: (a) The name, age, occupation and address of the complainant and of the accused; (b) the grounds and material facts on the basis of which action is sought; (c) the nature of the order sought from the court; and (d) if a petition has previously been made by the complainant on the same facts, the details and the decision thereof. (ii) When the complainant relies upon any document or documents in his possession, he shall file them along with the petition. (iii) In case of 'Civil Contempt' certified copy of the judgment decree, order writ or undertaking, which is alleged to have been disobeyed shall be filed along with the petition. (iv) In the case of 'Contempt of Subordinate Court' the complainant shall state whether the alleged contempt is not an offence punishable under the Indian Penal Code. (v) In the case of criminal contempt of the High Court other than a contempt referred to in section 14 of the Act, the complainant shall state whether he has obtained the consent of the Advocate General and if so, produce the same. Nothing shall preclude the High Court from taking action suo motu on the basis of the information disclosed. (vi) The petition shall be accompanied by an affidavit verifying the facts relied upon and that the documents produced are true copies of the originals if they are not originals, or certified copies of the originals.

6. Taking Cognizance.

- Every proceeding for contempt shall be dealt with by a Bench of not less than two judges: Provided a proceeding under section 14 of the Act shall be dealt with by the Judge or Judges, in whose presence or hearing the offence is alleged to have been committed and in accordance with the provisions thereof.

7. Initiation of proceedings on Information.

- (i) Any information other than a petition or reference shall, in the first instance be placed before the Chief Justice in the administrative side. (ii) If the Chief Justice or such other Judge as may be designated by him for the purpose, considers it expedient or proper to take action under the Act, he shall direct that the said information be placed for preliminary hearing. (iii) On such direction the matter shall be dealt with in accordance with Rule 8 treating the information as a petition.

8. Preliminary hearing and notice.

- (i) Every petition or reference shall be posted for preliminary hearing before the appropriate Bench.(ii)(a)The Court, if satisfied that a prima facie case has been made out, may direct issue of notice to the accused; otherwise it shall dismiss the petition or reject the reference.(b)The notice shall be in Form 1 and shall be accompanied by a copy of the petition or reference or information, and annexures if any thereto.

9. Appearance of the Accused.

- (i) In every case of Criminal Contempt, the accused shall appear in person before the High Court on the first date of hearing and on every subsequent date to which the case is posted, unless exempted by an order of the Court.(ii)In every case of civil contempt, the accused shall appear either in person or by Counsel before the High Court, on the first date of hearing and on every subsequent date to which the case is posted, but shall appear in person whenever directed by the High Court.

10. Hearing of Cases and Trial.

- (i) The accused may file his reply duly supported by an affidavit on or before the first date of hearing or within such extended time as may be granted by the Court.(ii)Upon consideration of the reply filed by the accused and after hearing the parties, the Court may drop the proceeding and discharge the accused;(iii)if the court, upon hearing, is satisfied that there is prima facie case, it shall proceed to frame the charge and furnish a copy of the same to the accused;(iv)The charge shall be read over and explained to the accused and the Court shall record his plea, if any.(v)If the accused pleads guilty, the Court may adjudge him guilty and proceed to pass such sentence as it deems fit;(vi)If the accused pleads not guilty, the case may be taken up for trial on the same day or posted to any subsequent date as directed by the Court.

11. Conducting of Proceedings.

- The Court may direct the Advocate General or any other Advocate to appear and conduct the proceedings against the accused.

12. Compelling Attendance.

- (i) The Court may, if it has reason to believe that the accused is absconding or is otherwise evading service of notice, or if he fails to appear in person or to continue to remain present in person in pursuance of the notice, direct a warrant, bailable or non-bailable, for his arrest addressed to one or more police Officers or may order attachment of property. The warrant shall be issued in Form No. 2 and shall be executed, as far as may be in the manner provided for execution of warrants under the Code.(ii)The warrant, shall be executed by the Police Officer or Officers to whom it is directed, and may also be executed by any other Police Officer whose name is endorsed upon the warrant by the Officer whom it is directed or endorsed.(iii)Where a warrant is to be executed outside the State of

Karnataka, the Court may, forward it to the Magistrate of the District or the Superintendent of Police or Commissioner of Police of the district within which the accused is believed to be residing or to any Police Officer in Karnataka. The Magistrate or the Police Officer to whom the warrant is forwarded shall endorse his name thereon, and cause it to be executed.(iv)Every person who is arrested and detained shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

13. Procedure for Trial.

- Except as otherwise provided in the Act and these rules, the procedure prescribed for summary trials under Chapter XXI of the Code shall as far as practicable be followed in the trial of cases of contempt.

14. Power to Order Attendance for Cross-examination.

- The Court may, either suo motu, or on motion made for that purpose, order the attendance for cross-examination of a person whose affidavit has been filed in the matter.

15. Power to order attendance of witnesses and Discovery or production of Documents.

- The Court may make order for the purpose of securing attendance of any person to be examined as a witness and for discovery or production of any document.

16. Execution of sentence.

- (i) if the accused is found guilty and is sentenced to imprisonment other than imprisonment till rising of the Court, a warrant of commitment and detention shall be made out in Form 3 under the signature of the Registrar of High Court. Every such warrant shall remain in force until it is cancelled by order of the Court or until it is executed. The Superintendent of Jail specified in the order shall, in pursuance of the warrant, detain the contemner in custody for the period specified therein subject to such further direction as the Court may give.(ii)When the Court awards a sentence of fine and the fine amount is not paid at once or within such time as may be granted by the Court, the Registrar shall take action in any one of the ways provided in section 421 of the Code.(iii)Warrants to be issued under sub-rule (ii) shall be in Forms 4 and 5 as the case may be.(iv)The report of the action taken by the Superintendent of the Jail or the Police Officer or Deputy Commissioner to whom the warrant under sub-rule (iii) might have been addressed shall be filed in the records of the case.

17. Execution of Processes.

- Processes issued by the Court shall except as otherwise specifically provided be executed by the Superintendent of Police/Commissioner of Police as the case may be.

18. Costs.

- (i) The Court may award such costs as it deems fit in the circumstances of the case.(ii)The costs so awarded shall be recovered in the same manner as costs awarded in Writ Proceedings.

19. Procedure on Forfeiture of the Bond.

- If any bond given for the appearance of an accused is forfeited due to the absence of the accused, the Court may, after giving opportunity to the accused or the surety as the case may be, levy the whole or any part of the amount mentioned in the bond as penalty and direct the same to be recovered as if it were a fine imposed on the accused under the Code.

20. Application of the High Court of Karnataka Rules, 1959.

- In matters not specifically provided for in these rules, the procedure prescribed in the High Court of Karnataka Rules, 1959 as amended from time to time, shall mutatis mutandis apply to the proceedings under these rules.

21. Repeal and savings.

- The rules to regulate Contempt proceedings in the High Court of Karnataka, 1967 are hereby repealed subject to the provisions of section 6 of the General Clauses Act. Contempt of Courts Case Form 1 (Rule 8(ii)(b) Notice to Accused In The High Court of Karnataka at Bangalore Contempt Of Courts Case No..... 20...Complainant Vs Accused To, (Here mention the name and address of the accused) Whereas, information is laid/ a petition or Reference is made by that you (here mention the gist of the accusation made in the information petition or reference); and whereas a case has been registered against you for action being taken against you under the Contempt of Courts Act, 1971. You are hereby required to appear in person or by an Advocate duly instructed on day of 20..... and show cause why such action as is deemed fit should be taken against you. Given under my hand and the seal of this Court, this day of 20..... Seal Registrar. Contempt of Courts Case Form 2 Rule 12 (i) Warrant for production of Accused In The High Court of Karnataka At Bangalore Contempt of Courts Case No..... 20..... Complainant Vs. Accused To, The Superintendent of Police, District. Whereas the accused aforesaid has filed to appear before this Court to answer a charge of an offence under the Contempt of Courts Act, 1971 or satisfactorily account for his absence on which had been fixed for hearing of the case; This is to require you to arrest the accused aforesaid and produce him before this Court and return this warrant duly executed on or before the day of 20... If the accused aforesaid binds himself in a sum of Rs.1000 to

this Court with one surety for a like sum before any Magistrate to appear on the said date of hearing and all future dates to which the case may be posted, he may be released. (The portion relating to bail shall be struck out if the Court has ordered a non-bailable warrant). Herein fail not. Given under my hand and the seal of this Court, this day of 20..... Registrar. Contempt of Courts Case Form 3 Rule 16(i) Warrant of Commitment to Prison In The High Court of Karnataka At Bangalore Contempt of Courts Case No. 20..... Complainant Vs. Accused To, The Superintendent Central Jail, Bangalore Whereas, on the day of 20... (name of Prisoner in full) accused in the above case was convicted by this Court of an offence under the Contempt of Courts Act, 1971 and under Article 215 of the Constitution for committing contempt of this Court/the Court of and was sentenced to (state the punishment full and distinctly)..... This is to authorise and require you, the Superintendent to receive the said..... (Prisoner's name) into your custody in the said jail together with this warrant and then carry the aforesaid sentence into execution according to law. Given under my hand and the seal of the Court this day of 20.... Seal Registrar. Contempt of Courts Case Form 4 Rule 16 (ii) & (iii) Warrant for attachment of movables In The High Court of Karnataka At Bangalore Contempt of Courts Case No. 20.. Complainant Vs. Accused To, The Superintendent of Police, District. Whereas (name and description of the accused) the accused aforesaid, has this day been convicted by this Court of the offence of contempt of this Court/the Court of under Article 215 of the Constitution and the Contempt of Courts Act, 1971 and sentenced to pay a fine of Rupees..... and whereas, the said..... (name) although required to pay the said fine has not paid the same or any part thereof. This is to authorise and require you to attach any moveable property belonging to the said (name) although required to pay the said fine has not paid the same or any part thereof. This is to authorise and require you, to attach any moveable property belonging to the said..... (name) which may be found within the district of and if within..... (state the number of days or hours allowed) next after such attachment, the said sum shall not be paid to sell the moveable property attached or so much thereof, as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution. Given under my hand and the seal of the Court, this day of 20..... Seal Registrar. Contempt of Courts Case Form 5 Rule 16(iii) Warrant of attachment by Deputy Commissioner. In The High Court of Karnataka at Bangalore Contempt of Court Case No. 20... Complainant Vs. Accused. To, The Deputy Commissioner, District, Whereas (name and description of the Accused) , the accused aforesaid has this day been convicted by this Court under Article 215 of the Constitution and the Contempt of Courts Act, 1971 for committing a contempt of this Court/the Court and sentenced to pay a fine of Rupees..... and whereas, he has not paid the said fine/the sum of being the part thereof. This is to authorise and require you to realise the amount by execution according to civil process against the moveable or immovable property or both of the accused aforesaid in the manner provided by section 421 of the Code of Criminal Procedure, 1973. This order shall be deemed to be a decree and you the decree-holder within the meaning of the Code of Civil Procedure, 1908 and the order shall be executable as such decree. Given under my hand and the seal of this Court this day of 20..... Seal Registrar.