

Parties Involved

Appellants: Five individuals found guilty of contempt of court

Respondent: State of (not specified)

Facts

The appellants were found guilty of contempt of court by the Allahabad High Court and sentenced to a fine of Rs. 1,000/ and simple imprisonment for two weeks in case of default

The case was adjourned to December 25, 1963

On December 20, 1963, the S.D.M. rejected the application and stayed further proceedings before the Nyaya Panchayat

The Nyaya Panchayat was absent on December 23, 1963, and a final order was made holding the accused guilty

A document purporting to be an affidavit was attached, but it was not sworn to before any person authorized to administer oaths

Evidences

Affidavit of Mahabir, which was not sworn to before any person authorized to administer oaths

Statement of the sarpanch, stating that he was not prepared to go to Tehsil, but was presenting to the panchayat whatever he had in his possession

Certified copy of the stay order, which was not produced by the applicant

Arguments

The appellants' learned counsel contended that the High Court disbelieved the explanation of the Panchas given before it and that if they wanted to ascertain the matter, they should have asked the applicant to produce a certified copy of the stay order

The court should not have drawn an adverse inference from the fact that the reasons for not accepting the prayer for stay were not recorded

A person bona fide cannot be held guilty of contempt of court for disobeying the order, and if there is any doubt, the benefit should be given to the person charged

The High Court should not have accepted the affidavit as evidence since it was not sworn to before any person authorized to administer oaths

<p>Conclusions</p>

The learned counsel for the state contended that the High Court's judgment should not be reappreciated, but the court failed to keep in mind the principles mentioned above

A judicial officer cannot be held guilty of contempt of court for disobeying its orders unless there is unimpeachable evidence

