

<p>PARTIES INVOLVED:</p>

The five appellants

Mahabir (applicant)

Baldeo Prasad (Pairokar of Mahabir and Sarpanch)

Phagu Parsad, Jagat Dubey, and Badri Yadav (Panchas)

The Nyaya Panchayat, Jokha Khas, district Deoria

The Allahabad High Court

The State (represented by a learned counsel)

<p>FACTS:</p>

On September 2, 1963, a case was adjourned to December 25, 1963, by the Nyaya Panchayat, Jokha Khas, district Deoria.

An urgent copy of the order was applied for and obtained on the same day by the applicant, Mahabir.

The High Court admitted the application and stayed further proceedings.

An application was presented before the Nyaya Panchayat on September 2, 1963, which was denied.

The Nyaya Panchayat was absent on December 23, 1963.

The order was signed by three Panchas, Phagu Parsad, Jagat Dubey, and Badri Yadav, and a document purporting to be an affidavit was attached.

Affidavits were filed in the High Court by Baldeo Prasad, Pairokar of Mahabir, the Sarpanch, and Mahabir.

The affiliation of the affidavit was not proper, and the Panchayats told him to get it verified in Tehsil.

<p>EVIDENCES:</p>

Affidavits filed in the High Court by Baldeo Prasad, Pairokar of Mahabir, the Sarpanch, and Mahabir.

Order sheet of the Nyaya Panchayat.

Telegram received by Mahabir.

Application presented before the Nyaya Panchayat.

<p>ARGUMENTS:</p>

The High Court disbelieved the explanation of the Panchas given before it.

The High Court disbelieved the contents of the application.

The court passed an adverse inference against the Panchas.

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

There is no evidence that the judicial officer had knowledge of the order of the High Court.

<p>CONCLUSIONS:</p>

The High Court's judgment was passed deliberately.

The court quoted with approval the following passage from the Contempt of Court Act, "it is not necessary that the order has been served upon the party against whom it has been granted."

The High Court should not reappreciate the facts.

The learned counsel for the state contends that we should not reappreciate the facts.

