

[2022] 4 S.C.R. 779

P R ADIKESAVAN

A

v.

THE REGISTRAR GENERAL, HIGH COURT OF MADRAS
AND ANOTHER

(Criminal Appeal No. 847 of 2022)

B

MAY 23, 2022

**[DR DHANANJAYA Y CHANDRACHUD AND
BELA M TRIVEDI, JJ.]**

*Contempt of Courts Act, 1971 – ss. 2(c)(iii), 12(1) – Conviction C
under – Insolvency proceedings were initiated against the appellant – The Single Judge of the High Court issued a non-bailable warrant and sought the presence of the appellant – When a team of the police tried to execute the warrant, the appellant and other advocates gheraoed the police and prevented them from executing the order – High Court initiated contempt proceedings against the appellant – Division Bench of the High Court found that the appellant is guilty of contempt and sentenced him to undergo two weeks of simple imprisonment and fine – The appellant was also barred from practising as an Advocate in the High Court for one year – On appeal, held: The behaviour and conduct of the appellant, who is a member of the Bar has been thoroughly contemptuous – There was a clear attempt to obstruct the process of justice when the non-bailable warrant was sought to be served – Wanton allegations were levelled against the Single Judge of the Madras High Court who issued the non-bailable warrant – Five adjournments were sought by the appellant before the High Court, just to delay the conclusion of the proceedings – The appellant has no respect for the administration of justice – The finding of contempt, as well as the sentence cannot be regarded as disproportionate.*

*R.K. Anand v. Registrar, Delhi High Court (2009) 8 SCC G
106 : [2009] 11 SCR 1026 – relied on.*

Case Law Reference

[2009] 11 SCR 1026

relied on

Para 8

H

- A CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 847 of 2022.

From the Judgment and Order dated 25.03.2022 of the High Court of Judicature at Madras in Suo Motu Crl. Contempt Petition No. 866 of 2021.

- B K. K. Mani, Ms. T. Archana, Vinay Rajput, Advs. for the Appellant.

The Judgment of the Court was delivered by

DR DHANANJAYA Y CHANDRACHUD, J.

- C 1. The appeal arises from the judgment dated 25 March 2022 of a Division Bench of the Madras High Court convicting appellant under Section 2(c)(iii) read with Section 12(1) of the Contempt of Courts Act 1971 and sentencing him two weeks of simple imprisonment.

2. Insolvency proceedings were initiated against the appellant under

- D the provisions of the Presidency Towns Insolvency Act 1909. On 12 March 2021, a Single Judge of the Madras High Court issued a non-bailable warrant seeking the presence of the appellant on 26 March 2021. On 31 March 2021, when a team of the police tried to execute the warrant, the appellant and fifty other advocates gheraoed the police and prevented them from executing the order. The Deputy Commissioner of

- E Police brought the incident to the notice of the Registrar General of the Madras High Court by a letter dated 13 April 2021. On perusing the video clippings of the incident the Single Judge of the Madras High Court by an order dated 14 July 2021, initiated contempt proceedings against the appellant under Section 15 of the Contempt of Courts Act 1926. The

- F order of the Single judge is extracted below:

G “4. This Court has also seen the entire footage starting from the time the Police informed the respondent about the orders of this Court and thereafter, how the respondent and one of his Advocate friend had started questioning the Police Personnel and the respondent has not paid heed to the Inspector of Police’s statement that he is only executing the orders of this Court. The Police report would also state that the respondent’s counsel Mr. Balasubramaniam had arrived and he also started abusing the Police. The video footage shows his presence. Thereafter, the scene has totally turned ugly

- H

and in one footage, I saw two Advocates trying to pull out a Police Officer using abusive and unparliamentary words. The entire scene is enacted on the public road just outside the Court premises in full public view. This is nothing but obstructing the administration of Justice. The act becomes all the more contumacious as the respondent and the others who are members of the noble profession have committed this act. They are bound to respect not only the dignity of this Court but also the orders of this Court.

5. The respondent who was fully aware of the pendency of the proceedings had deliberately not appeared before this Court constraining the Court to issue the Non-Bailable Warrant. A prima facie case of Contempt is made out against the respondent and Mr. Balasubramanian, Advocate for obstructing the Police Officials from executing the orders of this Court. This Court takes cognizance of the act of Criminal Contempt committed by them.”

3. On 1 September 2021, a Division Bench of the Madras High Court on perusing the records found that a prima facie case has been made out against the appellant and issued notice. On 26 October 2021, the Court framed the following charge against the appellant:

“That, you, Mr. PR Adikesavan, Advocate and Mr. Balasubramanian, Advocate, by your aforesaid conduct, in not permitting the execution of the Non-Bailable Warrant issued by this Court on 31.03.2021, has interfered with the administration of justice and has also obstructed the administration of justice, thereby, you are charged under Section 2(c)(iii) of the Contempt of Courts Act 1971, which is punishable under Section 12 of the Act, *ibid.*”

4. The proceedings were adjourned by the Division Bench on five occasions at the behest of the appellant.¹ The Bench finally adjourned the case and listed it on 28 February 2022. However, the appellant filed ‘sub-applications’ before the next date of hearing. The sub-applications were listed along with the contempt petition on 28 February 2022 before the Division Bench. The appellant submitted that he had filed sub-applications and made a representation to the Chief Justice of the Madras

¹ The matter was adjourned on 23.11.2021, 30.11.2021, 21.12.2021, 24.1.2022, and 14.2.2022.

² (2009) 8 SCC 106.

- A High Court seeking the recusal of one of the Judges of the Division Bench.
 - 5. The appellant filed sub-applications seeking the issuance of summons to the Single Judge for examining her as a witness in this case and another application for one of the judges on the Division Bench to recuse from the hearing. The appellant took back the applications from the Registry and did not re-present them. By the impugned judgment dated 25 March 2022, the appellant was held guilty of contempt and was sentenced to undergo two weeks of simple imprisonment and was directed to pay a fine of Rs 2000. The appellant was also barred from practising as an Advocate in the Madras High Court for one year. The Court observed that on the video clipping shows that the police did not use physical force against the appellant and that it was the battery of lawyers who surrounded the police officials and abused them. The Division Bench observed that the appellant attempted to evade service of the non-bailable warrant though he :
 - D “8.... Could have just accompanied the police along with his advocates to the police station where after making necessary entry in the General Diary in the nearby Flower Bazaar Police Station, he would have been produced before PTAJ before whom he could have pleaded for release. Instead, Adikesavan has played fraud on Balasubramanian by not disclosing the truth and had collected huge number of advocates to prevent the police from performing their duty of executing the lawful order of the Court. To be noted, whether PTAJ was correct in issuing the non-bailable warrant or not is a question which could have been decided by the police officer, for, he is simply required to execute all lawful orders issued by the Court.”
 - E
 - F
- G 6. The appellant moved this Court in an appeal under Section 19 of the Contempt of Courts Act 1971 read with Rule XX of the Supreme Court Rules 2013. Mr K K Mani, learned senior counsel has urged that the appellant has submitted an apology and this should be accepted.
- H 7. The behaviour and conduct of the appellant, who is a member of the Bar has been thoroughly contemptuous. There was a clear attempt to obstruct the process of justice when the non-bailable warrant was sought to be served on him by the competent police officials, which has been recorded in the video footage. The appellant is complicit in the obstruction of justice.

8. That apart, wanton allegations have been levelled against the Single Judge of the Madras High Court who issued the non-bailable warrant. Further, a recusal was sought of one of the Judges hearing the proceedings thereafter on thoroughly improper grounds. Five adjournments were sought by the appellant before the Madras High Court, delaying the conclusion of the proceedings only to later file sub-applications imputing allegations against two Judges of the Madras High Court. The appellant later also took back the sub-applications from the registry and did not re-present them. The appellant has no respect for the administration of justice. The finding of contempt, as well as the sentence cannot be regarded as disproportionate. Similarly, the debarment from practicing for a period of one year is in accordance with the judgment of this Court in *R.K. Anand vs Registrar, Delhi High Court*². A

9. The appeal is accordingly dismissed. Pending applications, if any, stand disposed of. B

Ankit Gyan
(Assisted by : Rahul Rathi, LCRA)

Appeal dismissed.

²(2009) 8 SCC 106.