

THE INDIAN PENAL CODE

CHAPTER I INTRODUCTION

The [Indian Penal Code](#) was drafted by the First Indian Law Commission presided over by Lord Thomas Babington Macaulay. The draft underwent further revision at the hands of well-known jurists, like Sir Barnes Peacock, and was completed in 1850. The [Indian Penal Code](#) was passed by the then Legislature on 6 October 1860 and was enacted as Act No. XLV of 1860.

Preamble.

**WHEREAS it is expedient to provide a general
[Penal Code](#) for India; It is enacted as follows:—**

COMMENT.—The [Indian Penal Code, 1860 \(IPC, 1860\)](#) exhaustively codifies the law relating to offences with which it deals and the rules of the common law cannot be resorted to for inventing exemptions which are not expressly enacted.^{1.} It is not necessary and indeed not permissible to construe the [IPC, 1860](#) at the present day in accordance with the notions of criminal jurisdiction prevailing at the time when the Code was enacted. The notions relating to this matter have very considerably changed between then and now during nearly a century that has elapsed. It is legitimate to construe the Code with reference to the modern needs, wherever this is permissible, unless there is anything in the Code or in any particular section to indicate the contrary.^{2.}

45. [s 4] Extension of Code to extraterritorial offences.

The provisions of this Code apply also to any offence committed by—

^{46.}[(1) any citizen of India in any place without and beyond India;

(2) any person on any ship or aircraft registered in India wherever it may be;]

^{47.}[(3) any person in any place without and beyond India committing offence targeting a computer resource located in India.]

^{48.}[*Explanation.*—In this section—

(a) the word "offence" includes every act committed outside India which, if committed in India, would be punishable under this Code;

(b) the expression "computer resource" shall have the meaning assigned to it in clause (k) of sub-section (1) of [section 2 of the Information Technology Act, 2000](#) (21 of 2000).]

^{49.}[ILLUSTRATION]

^{50.}[***] A, ^{51.}[who is a ^{52.}[citizen of India]], commits a murder in Uganda. He can be tried and convicted of murder in any place in ^{53.}[India] in which he may be found.

^{54.}[***]

COMMENT—

This section shows the extent to which the Code applies to offences committed outside India. The Code applies to any offence committed by—

- (1) any citizen of India in any place, wherever he may be;
- (2) any person on any ship or aircraft registered in India wherever it may be; and
- (3) any person, whether or not a citizen of India, who commits any offence, from anywhere in the world, targeting a computer resource located in India.

Hence, except for the case of an offence committed against a computer resource located in India, to extend the scope of operation of [IPC, 1860](#) against persons, either the offender must be a citizen of India or he must have committed the offence on any ship or aircraft registered in India.

[s 4.1] Crimes committed outside India.—

Where an offence is committed beyond the limits of India but the offender is found within its limits, then

- (I) he may be given up for trial in the country where the offence was committed (extradition) or
- (II) he may be tried in India (extraterritorial jurisdiction).

Where an offence was committed by an Indian citizen outside India, it was held that the offence was punishable under the [IPC, 1860](#). An investigation of such an offence would not require sanction of the Central Government under the proviso to [section 188, Cr PC, 1973](#). But an enquiry as contemplated by [section 202, Cr PC, 1973](#) could only be with the sanction of the Central Government.⁵⁵

(I) Extradition.—Extradition is the surrender by one State to another of a person desired to be dealt with for crimes of which he has been accused or convicted and which are justiciable in the Courts of the other State. Surrender of a person within the State to another State—whether a citizen or an alien—is a political act done in pursuance of a treaty or an arrangement *ad hoc*.⁵⁶ Though extradition is granted in implementation of the international commitment of the State, the procedure to be followed by the Courts in deciding, whether extradition should be granted and on what terms, is determined by the municipal law of the land. Extradition is founded on the broad principle that it is in the interest of civilised communities that criminals should not go unpunished and on that account, it is recognised as a part of the comity of nations that one State should ordinarily afford to another State assistance towards bringing offenders to justice.⁵⁷ The procedure for securing the extradition from India is laid down in the [Extradition Act, 1962](#).

(II) Extraterritorial jurisdiction.—Indian Courts are empowered to try offences committed out of India on (A) land, (B) high seas or (C) aircraft.

(A) Land.—By virtue of [sections 3 and 4 of the Penal Code](#), and [section 188 of the Cr PC, 1973](#) local Courts can take cognizance of offences committed beyond the territories of India. Where the Court is dealing with an act committed outside India by a citizen of India which would be an offence punishable under the [Penal Code](#) if it had been committed in India, section 4 constitutes the act an offence and it can be dealt with under [section 188 of the Cr PC, 1973](#).⁵⁸ If, however, at the time of commission of

the offence the accused person is not a citizen of India, the provisions of [section 4 of the Penal Code](#) and [section 188 of the Cr PC, 1973](#) have no application.⁵⁹

[Section 188 of the Cr PC, 1973](#), provides that when an offence is committed outside India—

- (a) by a citizen of India, whether on high seas or elsewhere; or
- (b) by any person not being such citizen on any ship or aircraft registered in India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found.

The word 'found' in [section 188, Cr PC, 1973](#) means not where a person is discovered but where he is actually present.⁶⁰ A man brought to a place against his will can be said to be found there.⁶¹ When a man is in the country and is charged before a Magistrate with an offence under the [Penal Code](#), it will not avail him to say that he was brought there illegally from a foreign country. The Bombay High Court has laid down this principle, following English precedents, in *Savarkar's case*.⁶² The accused Savarkar had escaped at Marseilles from the custody of police officers charged with the duty of bringing him from London to Bombay, but was re-arrested there and brought to Bombay and committed for trial by the Special Magistrate at Nasik. The High Court held that the trial and committal were valid.⁶³ The provisions of the [IPC, 1860](#) have been extended to offences committed by any citizen of India in any place within and beyond India by virtue of section 4 thereof. Accordingly, offences committed in Botswana by an Indian citizen would also be amenable to the provisions of the [IPC, 1860](#) subject to the limitation imposed under the proviso to [section 188 Cr PC, 1973](#).⁶⁴ Section 4 gives extraterritorial jurisdiction but as the Explanation says the acts committed must amount to an offence under the [Penal Code](#).⁶⁵

[s 4.2] Acts done within Indian as well as foreign territory.—

A person who is a citizen of India is liable to be tried by the Courts of this country for acts done by him, partly within and partly without the Indian territories, provided the acts amount together to an offence under the Code.⁶⁶

(B) Admiralty jurisdiction.—The jurisdiction to try offences committed on the high seas is known as the admiralty jurisdiction. It is founded on the principle that a ship on the high seas is a floating island belonging to the nation whose flag she is flying.

Admiralty jurisdiction extends over—

- (1) Offences committed on Indian ships on the high seas.
- (2) Offences committed on foreign ships in Indian territorial waters.
- (3) Piracy.

Power to enforce claims against foreign ships is an essential attribute of admiralty jurisdiction and it is assumed over such ships while they are within the jurisdiction of the High Court by arresting and detaining them. Admiralty jurisdiction of the High Courts in India has been historically traced to the Charters of 1774 and 1728, as subsequently expanded and clarified by the Letters Patent of 1823, 1862 and 1865 read with the Admiralty Court Act, 1861, the Colonial Courts of Admiralty Act, 1890, and the Colonial Court of Admiralty (India) Act, 1891 and preserved by section 106 of the Government of India Act, 1915, section 223 of the Government of India Act, 1935 and

[Article 225 of the Constitution of India](#). The pre-[Constitution](#) enactments have continued to remain in force in India as existing laws.^{67.}

The High Court as a Court of Admiralty is treated as a separate entity exercising a distinct and specific or prescribed or limited jurisdiction. This reasoning is based on the assumption that the continuance in force of the Colonial Courts of Admiralty Act, 1890 as an existing law carves out a distinct jurisdiction of the High Court limited in ambit and efficacy to what has been granted by the Admiralty Court Act 1861, and that jurisdiction has remained stultified ever since. This restrictive construction is not warranted by the provisions of the [Constitution](#). Accordingly, a foreign ship falls within the jurisdiction of the High Court where the vessel happens to be at the relevant time, i.e., at the time when the jurisdiction of the High Court is invoked, or, where the cause of action wholly or in part arises. The [Merchant Shipping Act](#) empowers the concerned High Court to arrest a ship in respect of a substantive right. This jurisdiction can be assumed by the concerned High Court, whether or not the defendant resides or carries on business, or the cause of action arose wholly or in part, within the local limits of its jurisdiction. Once a foreign ship is arrested within the local limits of the jurisdiction of the High Court, and the owner of the ship has entered appearance and furnished security to the satisfaction of the High Court for the release of the ship, the proceedings continue as a personal action. The conclusion is that all the High Courts in India have inherent admiralty jurisdiction and can invoke the same for the enforcement of a maritime claim.^{68.}

Even while exercising extraordinary powers available under the [Constitution](#) the jurisdiction of the High Court is primarily circumscribed by its territorial limits, viz., the jurisdiction has to be in context of the territorial jurisdiction available to the High Court. If the overall scheme of [IPC, 1860](#) (section 4), [Cr PC, 1973](#) (section 188), The [Merchant Shipping Act, 1958](#) (section 437) and the Territorial Waters Act, 1976 (section 13) are taken into consideration read with sections 2(2) and 3(15) of the [Merchant Shipping Act](#), it is apparent that for a Court, including High Court, to be vested with jurisdiction, an offender or offending vessel have to be found within local territorial limits of such Court.^{69.}

[s 4.3] Piracy

Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).^{70.}

The Convention on the Law of Sea known as United National Convention on the Law of Sea, 1982 (UNCLOS) sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities. UNCLOS, 1982 is a

comprehensive code on the international law of sea. It codifies and consolidates the traditional law within a single, unificatory legal framework. It has changed the legal concept of continental shelf and also introduced a new maritime zone known as exclusive economic zone. Exclusive economic zone is a new concept having several new features.⁷¹ The UNCLOS signed by India in 1982 and ratified on 29 June 1995, encapsulates the law of the sea and is supplemented by several subsequent resolutions adopted by the Security Council of the United Nations.

Before UNCLOS came into existence, the law relating to the seas which was in operation in India, was the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, which spelt out the jurisdiction of the Central Government over the Territorial Waters, the Contiguous Zones and the Exclusive Economic Zone. The provisions of the UNCLOS are in harmony with and not in conflict with the provisions of the Maritime Zones Act, 1976, in this regard. [Article 33](#) of the Convention recognises and describes the Contiguous Zone of a nation to extend to 24 nautical miles from the baseline from which the breadth of the territorial sea is measured. Similarly, [Articles 56](#) and [57](#) describe the rights, jurisdiction and duties of the coastal State in the Exclusive Economic Zone and the breadth thereof extending to 20 nautical miles from the baseline from which the breadth of the territorial sea is measured. This provision is also in consonance with the provisions of the 1976 Act. The area of difference between the provisions of the Maritime Zones Act, 1976, and the Convention occurs in [Article 97](#) of the Convention which relates to the penal jurisdiction in matters of collision or any other incident of navigation.⁷²

[s 4.4] Jurisdiction of Indian High Courts.—

In view of the declaration of law made by the Supreme Court in *M V Elisabeth v Harwan Investment and Trading*,⁷³ the High Courts in India have inherent admiralty jurisdiction.

The offences which come within the admiralty jurisdiction are now defined by the [Merchant Shipping Act, 1958](#).

(C) Aircraft.—The provisions of the Code are made applicable to any offence committed by any person on any aircraft registered in India, wherever it may be.

[s 4.5] Liability of foreigners in India for offences committed outside its limits.

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The acts of a foreigner committed by him in territory beyond the limits of India do not constitute an offence against the [Penal Code](#), and, consequently, a foreigner cannot be held criminally responsible under that Code by the tribunals of India for acts committed by him beyond its territorial limits. Thus, when it is sought to punish a person, who is not an Indian subject, as an offender in respect of a certain act, the question is not 'where was the act committed,' but 'was that person at the time, when the act was done, within the territory of India'. For, if he was not, the act is not an offence, the doer of it is not liable to be punished as an offender, and he is, therefore, not subject to the jurisdiction of criminal Courts.⁷⁴ But if a foreigner in a foreign territory initiates an offence which is completed within Indian territory, he is, if found within Indian territory, liable to be tried by the Indian Court within whose jurisdiction the offence was completed.⁷⁵

[s 4.6] Section 4 IPC and section 188 of Cr PC.—

Section 188 Cr PC, 1973 and section 4 of the IPC, 1860 spell out that if the person committing the offence at that point of time is a citizen of India, then, even if the offence is committed beyond the contours of India, he will be subject to the jurisdiction of the Courts in India. The rule enunciated under the two sections rests on the principle that qua citizens the jurisdiction of Courts is not lost by reason of the venue of the offence. However, section 188 of the Code places an interdiction in the enquiry or trial over offences committed outside India by a citizen of India insisting for sanction from the Central Government to do so.⁷⁶

1. *MC Verghese v Ponnai*, AIR 1970 SC 1876 [LNIND 1968 SC 339] : (1969) 1 SCC 37 [LNIND 1968 SC 339] : 1970 Cr LJ 1651 .
2. *Mobarik Ali v State of Bombay*, AIR 1957 SC 857 [LNIND 1957 SC 81] : 1957 Cr LJ 1346 (SC).
45. Subs. by Act 4 of 1898, section 2, for section 4.
46. Subs. by the A.O. 1950, for clauses (1) to (4).
47. Ins. by the Information Technology (Amendment) Act, 2008 (10 of 2009), section 51(a)(i) (w.e.f. 27-10-2009).
48. Subs. by the Information Technology (Amendment) Act, 2008 (10 of 2009), section 51(a)(ii), for Explanation (w.e.f. 27-10-2009). Explanation, before substitution, stood as under: "Explanation.—In this section the word "offence" includes every act committed outside India which, if committed in India, would be punishable under this Code."
49. Subs. by Act 36 of 1957, section 3 and Sch II, for "Illustrations" (w.e.f. 17-9-1957).
50. The brackets and letter "(a)" omitted by Act 36 of 1957, section 3 and Sch II (w.e.f. 17-9-1957).
51. Subs. by the A.O. 1948, for "a coolie, who is a Native Indian subject".
52. Subs. by the A.O. 1950, for "a British subject of Indian domicile".
53. The words "British India" have been successively amended by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, section 3 and Sch (w.e.f. 1-4-1951), to read as above.
54. Illustrations (b), (c) and (d) omitted by the A.O. 1950.
55. *Muhammad Rafi v State of Kerala*, 2010 Cr LJ 592 Ker DB.
56. *State of WB v Jugal Kishore More*, (1969) 3 SCR 320 [LNIND 1969 SC 8] : 1969 Cr LJ 1559 : AIR 1969 SC 1171 [LNIND 1969 SC 8] .
57. *Abu Salem Abdul Qayoom Ansari v State of Maharashtra*, JT 2010 (10) SC 202 [LNIND 2010 SC 858] : 2010 (9) Scale 460 : (2011) 3 SCC (Cr) 125 : (2011) 11 SCC 214 [LNIND 2010 SC 858] .
58. *Ajay Aggarwal v UOI*, 1993 (3) SCC 609 [LNIND 1993 SC 431] : AIR 1993 SC 1637 [LNIND 1993 SC 431] : 1993 Cr LJ 2516 .
59. *Central Bank of India Ltd v Ram Narain*, (1955) 1 SCR 697 [LNIND 1954 SC 126] : 1955 Cr LJ 152 : AIR 1955 SC 36 [LNIND 1954 SC 126] .
60. *Maganlal v State*, (1882) 6 Bom 622.
61. *Lopez and Sattler*, (1858) 27 LJ (MC) 48.
62. *Vinayak D Savarkar*, (1910) 13 Bom LR 296 , 35 Bom 225.

63. *Supra*. Also see *Om Hemrajani v State of UP*, (2005) 1 SCC 617 [LNIND 2004 SC 1181] : AIR 2005 SC 392 [LNIND 2004 SC 1181] .
64. *Thota Venkateswarlu v State of AP*, AIR 2011 SC 2900 [LNIND 2011 SC 850] : (2011) 9 SCC 527 [LNIND 2011 SC 850] : 2011 Cr LJ 4925 : (2011) 3 SCC (Cr) 772.
65. *Rambharthi*, (1923) 25 Bom LR 772 [LNIND 1923 BOM 115] : 47 Bom 907; *Sheikh Haidar v Syed Issa*, (1939) Nag 241.
66. *Moulvie Ahmudoollah*, (1865) 2 WR (Cr) 60.
67. See *Kamalakar Mahadev Bhagat v Scindia Steam Navigation Co Ltd*, AIR 1961 Bom 186 [LNIND 1960 BOM 71] : (1960) 62 Bom LR 995 ; *Sahida Ismail v Petko R Salvejkov*, AIR 1973 Bom 18 [LNIND 1971 BOM 74] : (1972) 74 Bom LR 514 ; *Jayaswal Shipping Co v SS Leelavati*, AIR 1954 Cal 415 [LNIND 1953 CAL 202] ; *Reena Padhi v 'Jagdhir'*, AIR 1982 Ori 57 [LNIND 1981 ORI 93] .
68. *M V Elisabeth v Harwan Investment and Trading*, 1993 Supp (2) SCC 433 : AIR 1993 SC 1014 [LNIND 1992 SC 194] ; *MV Al Quamar v Tsavliris Salvage (International) Ltd*, AIR 2000 SC 2826 [LNIND 2000 SC 1119] : (2000) 8 SCC 278 [LNIND 2000 SC 1119] : 2000 (5) Scale 618 [LNIND 2000 SC 1119] ; *MV Free Neptune v DLF Southern Towns Private*, 2011 (1) Ker LT 904 : 2011 (1) KHC 628 .
69. *MG Forests Pte Ltd v "MV Project Workshop"*, Gujarat High Court Judgement dated 24 February 2004.
70. **Article 100**. United Nations Convention on the Law of the Sea (UNCLOS), 1982.
71. *Aban Loyd Chiles Offshore Ltd v UOI*, JT 2008 (5) SC 256 [LNIND 2008 SC 897] : 2008 (6) Scale 128 [LNIND 2008 SC 897] : (2008) 11 SCC 439 [LNIND 2008 SC 897] .
72. *Republic of Italy through Ambassador v UOI*, (2013) 4 SCC 721 : 2013 (1) Scale 462 [LNINDORD 2013 SC 9114] .
73. *M V Elisabeth v Harwan Investment and Trading*, 1993 Supp (2) SCC 433 : AIR 1993 SC 1014 [LNIND 1992 SC 194] .
74. *Musst. Kishen Kour*, (1878) PR No. 20 of 1878; *Jameson*, (1896) 2 QB 425 .
75. *Chhotalal*, (1912) 14 Bom LR 147 [LNIND 1912 BOM 26] .
76. *P T Abdul Rahiman v State of Kerala*, 2013 Cr LJ 893 (Ker).

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77. [[s 5] Certain laws not to be affected by this Act.

Nothing in this Act shall affect the provisions of any Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provisions of any special or local law¹ .]

COMMENT—

This section is a saving clause to section 2. Though the Code was intended to be a general one, it was not thought desirable to make it exhaustive, and hence, offences defined by local and special laws were left out of the Code, and merely declared to be punishable as theretofore.^{78.} Thus, the personnel of the Army, Navy and Airforce are governed by the provisions of the [Army Act, 1950](#), The [Navy Act, 1957](#), and The [Indian Air Force Act, 1950](#) in regard to offences of mutiny and desertion committed by them.^{79.}

1. 'Special or local law'.—A special law is a law relating to a particular subject;^{80.} whereas a local law is a law which applies only to a particular part of the country.^{81.} The distinction between a statute creating a new offence with a particular penalty and a statute enlarging the ambit of an existing offence by including new acts within it with a particular penalty is well settled. In the former case the new offence is punishable by the new penalty only; in the latter it is punishable also by all such penalties as were applicable before the Act to the offence in which it is included. The Principle is that where a new offence is created and the particular manner in which proceedings should be taken is laid down, then proceedings cannot be taken in any other way.^{82.} However, a person cannot be punished under both the [Penal Code](#) and a special law for the same

offence,⁸³ and ordinarily the sentence should be under the special Act.⁸⁴ This is, however, confined to cases where the offences are coincident or practically so.⁸⁵

The Supreme Court issued specific guidelines regarding the interpretation of general law and special law. See the Box below for these Guidelines.

Supreme Court Guidelines on Interpretation of General law and Special law

- (i) When a provision of law regulates a particular subject and a subsequent law contains a provision regulating the same subject, there is no presumption that the later law repeals the earlier law. The rule-making authority while making the later rule is deemed to know the existing law on the subject. If the subsequent law does not repeal the earlier rule, there can be no presumption of an intention to repeal the earlier rule;
- (ii) When two provisions of law – one being a general law and the other being special law govern a matter, the court should endeavour to apply a harmonious construction to the said provisions. But where the intention of the rule-making authority is made clear either expressly or impliedly, as to which law should prevail, the same shall be given effect.
- (iii) If the repugnancy or inconsistency subsists in spite of an effort to read them harmoniously, the prior special law is not presumed to be repealed by the later general law. The prior special law will continue to apply and prevail in spite of the subsequent general law. But where a clear intention to make a rule of universal application by superseding the earlier special law is evident from the later general law, then the later general law, will prevail over the prior special law.
- (iv) Where a later special law is repugnant to or inconsistent with an earlier general law, the later special law will prevail over the earlier general law.

[*Maya Mathew v State of Kerala*⁸⁶. and *P Raghava Kurup v V Ananthakumari*⁸⁷.]

[s 5.1] Contempt of Court

Contempt of Courts Act, 1971 (Act 70 of 1971) makes it clear that, Contempt of Court means 'Civil contempt' or 'Criminal contempt'.⁸⁸ 'Civil contempt' means wilful disobedience to any judgment, decree, direction, order, writ or other process of a Court or wilful breach of an Undertaking given to a Court.⁸⁹ "Criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which – (i) scandalises or tends to scandalise or lowers or tends to lower the authority of any Court; or (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner.⁹⁰ The provisions of this Act shall be in addition to and not in derogation of, the provisions of any other law relating to contempt of Courts.⁹¹ Contempt proceeding is *sui generis* (of its own kind or class or unique). It has peculiar features which are not found in criminal proceedings. The respondent does not stand in the position of a person accused of an offence. Initiation of contempt proceedings against the respondent who is already accused in a criminal proceedings, does not amount to double jeopardy.⁹² *Mens rea* is not necessary for committing contempt of Court. The main ingredient of the offence of contempt of Court is the result of one's contumacious act of offending the prestige and dignity of the judiciary so as to lower it in the estimation of the general public. Whether the contemnor intended it or not is of no consequence.⁹³

[s 5.2] Contempt of Supreme Court and High Courts

Articles 129 and 215 preserve all the powers of the Supreme Court and the High Court, respectively, as a Court of Record which includes the power to punish the contempt of itself. There are no curbs on the power of the High Court to punish for contempt of itself except those contained in the [Contempt of Courts Act, 1971](#).⁹⁴ For the judiciary to carry out its obligations effectively and true to the spirit with which it is sacredly entrusted the task, constitutional Courts have been given the power to punish for contempt, but greater the power; higher the responsibility.⁹⁵

[s 5.3] Contempt of Subordinate Courts

Every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempt of Courts subordinate to it as it has and exercises in respect of contempt of itself provided that no High Court shall take cognizance of a contempt alleged to have been committed in respect of a Court subordinate to it where such contempt is an offence punishable under the [IPC, 1860](#) [[section 10 Contempt of Courts Act, 1971](#)]. The procedure prescribed either under the [Cr PC, 1973](#) or under the [Indian Evidence Act, 1872](#) is not attracted to the proceedings initiated under [section 15 of the Contempt of Courts Act](#). The High Court can deal with such matters summarily and adopt its own procedure. The only caution that has to be observed by the Court in exercising this inherent power of summary procedure is that the procedure followed must be fair and the contemnors are made aware of the charges levelled against them and given a fair and reasonable opportunity.⁹⁶

[s 5.4] [Section 228 IPC vis-a-vis Contempt of Courts Act](#)

What is made punishable under [section 228 IPC, 1860](#)⁹⁷ is the offence of intentional insult to a Judge or interruption of Court proceedings but not as a contempt of Court. The definition of criminal contempt is wide enough to include any act by a person which would either scandalise the Court or tend to interfere with the administration of justice. It would also include any act which lowers the authority of the Court or prejudices or interferes with the due course of any judicial proceedings. It is not limited to the offering of intentional insult to the Judge or interruption of the judicial proceedings.⁹⁸

1. *MC Verghese v Ponnai*, [AIR 1970 SC 1876](#) [[LNIND 1968 SC 339](#)] : (1969) 1 SCC 37 [[LNIND 1968 SC 339](#)] : [1970 Cr LJ 1651](#) .

2. *Mobarik Ali v State of Bombay*, [AIR 1957 SC 857](#) [[LNIND 1957 SC 81](#)] : [1957 Cr LJ 1346](#) (SC).

77. Subs. by the A.O. 1950, for section 5.

78. *Ramachandrappa*, (1883) 6 Mad 249; *Motilal Shah*, (1930) 32 Bom LR 1502 : 55 Bom 89.