

Supreme Court of India

Rakesh Kaul vs Register High Court Of J&K on 12 August, 1994

Equivalent citations: 1994 SCC (5) 759, JT 1994 (6) 290

Author: M Venkatachalliah

Bench: Venkatachalliah, M.N.(Cj)

PETITIONER:

RAKESH KAUL

Vs.

RESPONDENT:

REGISTER HIGH COURT OF J&K

DATE OF JUDGMENT 12/08/1994

BENCH:

VENKATACHALLIAH, M.N. (CJ)

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VENKATACHALLIAH, M.N. (CJ)

SAHAI, R.M. (J)

MOHAN, S. (J)

CITATION:

1994 SCC (5) 759 JT 1994 (6) 290

1994 SCALE (4) 56

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. The petitioners herein aggrieved by the change of dates in relation to B.A., B.Com., B.Sc. examinations by the University of Kashmir from 5-9-1992 to 17-7-1992, 25-7-1992 and 31-7-1992 preferred writ petitions to the High Court of Jammu & Kashmir. On 15-7-1992, Shri Mohd. Yasin Malik, the Assistant Controller of Examination appeared in person in Court. He sought two days' time to obtain necessary instructions from the University of Kashmir. The matter stood adjourned to 17-7-1992. However, the matter appears to have been recalled on 15-7-1992 itself during the absence of the petitioners. An order was passed dismissing the writ petition.

2. After the order was pronounced, the petitioners attempted to assault and manhandle Mr Mohd. Yasin Malik, Assistant Controller of Examination outside the courtroom. While dismissing the writ

petition, the learned Single Judge took a serious view of the conduct of the petitioners. Such a conduct prima facie appears to coerce authorities into submission and obstruct the administration of justice. He concluded as under:

"it is a matter of regret that petitioners, being educated youth should have taken law into their own hands with a view to strike terror in the minds of authorities or to influence the functioning of this Court. It will be a sad day if the litigating parties are given licence to pressurise and browbeat the authorities and the courts which have the consequence of impeding the course of justice. Such actions require to be curbed for the sake of upholding the majesty of law."

3. On this, a rule was issued against the petitioners requiring them to show cause why they should not be punished for the contempt of court. As regards petitioner 2 Ajay Razdan, a non-bailable warrant was issued which was to be executed by the DIG, Jammu Range. However, the warrant was not executed and the police pleaded helplessness which conduct came for consideration. Some of the petitioners appeared before the Court while Ramesh Kumar Bhat and Romesh Trakroo did not appear. So much so, nonbailable warrants had to be issued against them. In view of the passage of one year from the date of impugned order dated 8-12-1993, fresh warrants were directed to be issued and executed by SSP concerned against Ramesh Kumar Bhat and Romesh Trakroo.

4. It is argued on behalf of the learned counsel for the petitioners that neither of them was responsible for the alleged manhandling of the Assistant Controller of Examination, Mohd. Yasin Malik. Even otherwise, concerning a matter which took place outside the court, they cannot be held responsible. Therefore, the errant students punished in this manner, may not be warranted in the circumstances of the case.

5. The impugned order dated 8-12-1993 states as follows "Two contemnors, namely : Ramesh Kumar Bhat and Romesh Trakroo have been successfully evading the process of this Court for the last about one year. The SSP Jammu was directed to execute the nonbailable warrants against them by an order dated 3-12-1992. On his failure to do so he was ordered to remain present before this Court vide order dated 10-3-1993 for 30-3-1993.

contemnors to be executed by the SSP concerned and shall remain valid till the same are executed."

6. Contempt is essentially a matter for the court concerned. Such a jurisdiction is vested in the court in order that the majesty of law can be upheld. If any interference is made or sought to be made in the course of justice, the court must take a serious view of the same. As to what exactly happened on 15-7-1992 is a matter which will have to be correctly ascertained and law must be allowed to take its course. For students to circumvent orders of court cannot be tolerated. Therefore, we cannot interfere. However, we would direct the petitioners to appear before the High Court and tender their unconditional apology without pleading any technicality. In such a case, the court may take a sympathetic view and pass such orders as it may deem fit. Subject to these observations, the present SLP is disposed of.